

**From:** [Ashlee Stratakis](#)  
**To:** [Ashlee Stratakis](#)  
**Cc:** [Jen Blease](#)  
**Subject:** Trees at 1865 Vulcan  
**Date:** Wednesday, May 27, 2020 10:48:30 AM  
**Attachments:** [2008-07-16 Item 09 North 101 Corridor Specific Plan road standards modifications.pdf](#)  
[CC Minutes 2008-07-16.pdf](#)  
[Resolution PC 2008-13.pdf](#)  
[2042-L1.0-PLNT-PLAN 5.18.20.pdf](#)

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*Good morning,*

*Please see a letter below from City Arborist Chris Kallstrand regarding the blue gum trees at 1865 Vulcan Avenue. This is regarding Item 2 on this week's meeting agenda.*

*Thank you,*

*Ashlee Stratakis*

Dear UFAC –

The following e-mail details the approved removal of four (4) blue gum (*Eucalyptus globulus*) trees at 1865 Vulcan Ave. in Encinitas, CA. In early 2007 the owner of the property at 1865 Vulcan Ave. submitted a development application to demo the existing structures, subdivide the property, and construct a 5 unit condominium project. City standards require that as properties develop, they construct ultimate road improvements along the frontage of their property. The standard for this property is dictated by the North 101 Corridor Specific Plan and includes road widening, parking, curb, gutter, sidewalk, and a small parkway. Similar improvements have been installed in their ultimate location many times along Vulcan Ave. and are important to providing complete streets.

During the processing of this project the removal of the eucalyptus trees became controversial with a few community members, so as part of the approval by Planning Commission, condition SCA on Page 12 of Reso PC 2008-13 was included. The project was to construct interim road improvements and plant new trees in their ultimate location to allow them to mature for a period of five years. At the conclusion of five years, the developer was to remove the eucalyptus trees and build the ultimate road improvements. See actual condition below:

<image001.jpg>

Because not installing the ultimate improvements immediately was a modification of the Public Road Standards, Staff took it to City Council on July 17, 2008 and Council agreed to have the trees removed after a period of five years. The Council agenda report and Minutes are attached authorizing this approach.

The project was approved with these conditions in 2008, however due to the economy the project went dormant until 2011/2012 when Shea Homes bought the property and constructed the project. As part of that, Shea homes installed the replacement trees and security deposits were placed with the City along with a lien covenant recorded on the property to ensure the completion of the improvements 5 years later which would have been in 2017.

The trees that Shea Homes installed were maturing nicely (20+'), however the new home owners of the condominiums removed the trees sometime after 2015. See the below photo from Bing maps dated February 2015:

<image002.jpg>

In 2017 when the City contacted Shea Homes to complete their obligation it was discovered that the replacement trees had been removed, so Shea Homes has offered to plant decent sized trees in their place as part of the ultimate road improvement project. Also, because several years had passed and trees are a constantly important topic in the community, City Management, the City Atty., the City Arborist, and at least once council member were consulted. Also, it was discovered that two of the four eucalyptus trees had evidence of rot and need to come down for safety concerns regardless of the required road improvements. There is evidence that the utility trenches for the condo project may have compromised/cut some of the roots of the other two trees.

At this time, Shea Homes is ready to complete the obligation to remove the trees and build the ultimate improvements per the original conditions of approval. The final improvement plans have been prepared and are awaiting approval from the Public Works Dept. to proceed. Public works has been working with Shae homes to develop a landscape and replacement plan for the removal of the trees. This plan is attached, and due to future site constrictions, the trees will be replaced with three (3) 24-inch box *Arbutus marina*. The replacement species have been discussed and approved by the adjacent residents. Finalizing the project, and planting the new trees, will allow the City to finally release the remaining security deposits and release the lien covenant that is recorded against the property requiring the improvement from the property owners.

Questions regarding the project can be directed to Steve Nowak ([SNowak@encinitasca.gov](mailto:SNowak@encinitasca.gov)), Senior Civil Engineer with the City of Encinitas.



**CITY OF ENCINITAS  
CITY COUNCIL  
AGENDA REPORT  
Meeting Date: July 16, 2008**

**TO:** Mayor and City Council

**VIA:** Phil Cotton, City Manager

**FROM:** Planning & Building Department  
Patrick Murphy, Director  
Tom Curriden, City Planner  
Roy Sapa'u, Associate Planner

**SUBJECT:** Council determination to authorize modifications to the North 101 Corridor Specific Plan road standards for North Vulcan Avenue by implementing an interim street improvement plan in conjunction with the Vulcan Ocean View Properties, LLC 5-unit condominium development. The subject property is located at 1865 N. Vulcan Avenue and in the Residential 25 (N-R25) zone of the North 101 Corridor Specific Plan and the Coastal Zone of the City of Encinitas. **CASE NUMBER:** 07-004 DR/TM/CDP; **APPLICANT:** Vulcan Ocean View Properties, LLC; **LOCATION:** 1865 N. Vulcan Avenue (APN: 254-030-30).

**BACKGROUND:** With adoption of Resolution No. PC 2008-13 (**Exhibit CC-1**), a Design Review Permit, Tentative Map and Coastal Development Permit was approved by the Planning Commission on April 3, 2008, to authorize the demolition of two (2) existing one-story single-family dwelling units and to construct a five (5)-unit three-story condominium development. Condition SCA was included within the Resolution of Approval which stipulated the following:

*Every effort shall be made to preserve the existing mature Eucalyptus trees along North Vulcan Avenue while still providing for succession with mature trees to replace them once they die or have to be removed due to advanced disease. In order to accomplish this, prior to approval of building or grading permits, the applicant shall provide a plan for interim improvements to the satisfaction of the Engineering Services and Planning and Building Departments. Those interim street improvements shall meet minimum requirements for drainage, pedestrian and vehicular circulation, etc. while still preserving the Eucalyptus trees. The interim street improvement plan shall be subject to review and approval by the City Council prior to issuance of building/grading permit. At any such time as the Eucalyptus trees must be removed in the future due to death or hazard associated with advanced disease, the remaining improvements required to conform with the requirements of the North Coast Highway 101 Specific Plan shall be installed to the satisfaction of the Engineering Services Department. Prior to building or grading permit issuance the applicant shall post a bond sufficient to guarantee public improvements for a period of up to five (5) years to the satisfaction of the Engineering Services Department. At the conclusion*

*of that five (5) year period, or upon Council direction on dedication/improvement standards for North Vulcan Avenue right-of-way, whichever occurs first, the applicant shall dedicate and install the improvements in accordance with the standards in effect at that time.*

**REQUIRED PERMITS AND FINDINGS:** Section 4.6 of the Public Road Standards (**Exhibit CC-2**) allows for the modification of road standards. It is recognized that the full improvements may not be appropriate or desirable for all roadways due to site specific conditions such as environmental considerations, community character, the extent and type of any existing improvements and forecasted future circulation and access requirements. The site specific conditions need to be evaluated for each project to determine if modifications are appropriate. Where improvements are required, the type of improvement, color, finish or texture may be modified to improve the compatibility with the existing neighborhood character. Table 4 of Section 4.6 provides a guide for the implementation of the modified standards and stipulates that the Planning Commission may determine the color, finish and texture of concrete used for walkways, but provides a recommendation to the City Council for modification of lane width, parking lane, and walkway width. Therefore all aspects of the request to authorize the interim improvement plan is before the Council for consideration.

The proposed interim road improvement plan (**Exhibit CC-4**) will provide minimum required drainage, pedestrian and vehicular facilities including a 12-foot travel lane, curb and gutter and a concrete sidewalk at approximately 15.5 feet east of the curb. The four (4) existing Eucalyptus trees within the North Vulcan Avenue right-of-way will remain in place between the proposed curb and concrete sidewalk. The interim design would allow for the newly planted trees (four (4) *Eucalyptus Sideroxylon Rosea*) on site to mature and eventually replace the existing Eucalyptus trees. The *Eucalyptus Sideroxylon Rosea* is a species recommended by one of the Planning Commissioners due to its disease resistance and appropriateness as a street tree. The applicant will also be required to post bonds sufficient to guarantee public improvements for a period of up to five (5) years to the satisfaction of the Engineering Services Department. At the conclusion of that five (5) year period, the applicant shall dedicate and install the improvements in accordance with the standards in effect at that time. The interim plan would provide community benefits such as allowing the existing mature tree canopy to remain until replaced by on-site planted trees and ultimately require installation of full public improvements (curb, gutter, sidewalk, parking and bike lane) to be paid for by the developer through bonds. However, no parking and bike lane will be installed and provided during the five (5) year bond time period unless the trees are removed prior to that time due to death or advanced diseases.

The second option available is to require the applicant to install full road improvements (See Exhibit CC-5) in accordance with the North 101 Corridor Specific Plan roadway standards for the North Vulcan Avenue right-of-way. Figure 5-D of the North 101 Corridor Specific Plan (**Exhibit CC-3**) requires a standard 12-foot wide travel lane, a five (5)-foot bike lane, an eight (8)-foot parking area, a five (5)-foot sidewalk and a three (3) foot landscaping parkway. Implementing the full road improvements would require the removal of existing trees and temporary loss of mature canopy while replacement trees planted on site are developing. However, on street parking and bike lane will be provided and full improvements will be installed immediately.

Throughout the project review process, including the CPP process, concern has been expressed by a few citizens regarding the preservation of existing Eucalyptus trees and over North Vulcan Avenue improvements. Staff received a letter during the review process from Rachelle Collier, President of the Leucadia Town Council, expressing concerns about the existing trees. Staff informed Ms. Collier that the trees are proposed to be removed because of required road improvements; however, replacement trees would be planted on site to mitigate for the loss of mature canopies. At the February 21, 2008 Planning Commission Hearing, the Commissioners discussed the issue of the street improvements as required by the North 101 Corridor Specific Plan, which would require the removal of the four (4) existing eucalyptus trees located within the North Vulcan Avenue right-of-way. The Commissioners recommended that the interim street improvement plan before the City Council be implemented in order to preserve the eucalyptus trees until such time as replacement trees have the ability to mature.

The matter before Council relates solely to the authorization of the proposed interim road improvements design on North Vulcan Avenue. No other aspect of the project is subject to Council review since there was no appeal to the Council of the Planning Commission project approval.

**ENVIRONMENTAL REVIEW:** The project has been determined to be exempt from environmental review pursuant to Sections 15301(l)(1) and 15332 of the California Environmental Quality Act (CEQA) Guidelines. Section 15301(l)(1) exempts the demolition of up to three single-family residences in urbanized areas. Section 15332 exempts in-fill developments which are consistent with local general plan and zoning requirements.

**FISCAL AND STAFF IMPACTS:** City Council action on this determination will have no direct fiscal or staff impacts.

**ALTERNATIVE ACTIONS:** Alternative actions available to the Council include:

1. By minute action authorize the road modifications by implementing the interim street improvement plan to preserve existing Eucalyptus trees in conjunction with the Vulcan Ocean View Properties, LLC 5-unit condominium development as proposed and recommended by the Planning Commission; or
2. By minute action deny the request for road modification and authorize full road improvements in accordance with the North 101 Corridor Specific Plan
3. Continue the matter for further information and review.

**RECOMMENDATION:** Receive public testimony and consider the facts and findings necessary to make a decision on the recommendation and **by minute action**, authorize modifications to the North 101 Corridor Specific Plan road standards for North Vulcan Avenue by implementing the interim street improvement plan for Case No. 07-004 DR/TM/CDP.

**LIST OF ATTACHMENTS:**

Exhibit CC-1 Resolution No. PC 2008-13

Exhibit CC-2 Section 4.6 of the Public Road Standards

Exhibit CC-3 Figure 5-D of the North 101 Corridor Specific Plan

Exhibit CC-4 Interim Improvement Plan

Exhibit CC-5 Full Road Improvement Plan

\*\*\* The complete administrative record for this application is available for review and comment in the Planning and Building Department.

# **EXHIBIT CC-1**

**Resolution No. PC 2008-13**

**RESOLUTION NO. PC 2008-13**

**A RESOLUTION OF THE CITY OF ENCINITAS PLANNING COMMISSION  
APPROVING A DESIGN REVIEW PERMIT, TENTATIVE MAP AND COASTAL  
DEVELOPMENT PERMIT FOR THE DEMOLITION OF TWO (2) EXISTING  
RESIDENTIAL STRUCTURES AND FOR THE CONSTRUCTION OF A FIVE (5) UNIT  
ATTACHED CONDOMINIUM RESIDENTIAL DEVELOPMENT, FOR THE  
PROPERTY LOCATED AT 1865 N. VULCAN AVENUE**

**(CASE NO. 07-004 DR/TM/CDP; APN: 254-071-37)**

**WHEREAS**, a request for consideration of a Design Review Permit, Tentative Map and Coastal Development Permit was filed by Kyrn Brimmer on behalf of Vulcan Ocean View Properties, LLC to allow for the demolition of two (2) existing residential structures and to construct a five (5)-unit attached residential development to be subdivided to permit condominium ownership of airspace in the form of five (5) dwelling units with an undivided interest in common elements in accordance with Chapters 23.08 (Design Review) and 30.80 (Coastal Development Permit) of the City of Encinitas Municipal Code and Section 66474 of the Subdivision Map Act (Tentative Map), for the property located in the the Residential 25 zone (N-R25) of the North 101 Corridor Specific Plan Area and within the Coastal Zone of the City of Encinitas, legally described as:

PORTIONS OF LOT 2, BLOCK "A" OF AVOCADO ACRES NO. 2, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1802, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, AUGUST 5, 1924, FURTHER DESCRIBED IN EXHIBIT "A" OF DOCUMENT #2007-0451239 FILED IN THE SAN DIEGO COUNTY RECORDER'S OFFICE JULY 5, 2007.

**WHEREAS**, the Planning Commission conducted noticed public hearings on the application on February 21, 2008 and April 3, 2008, at which time all those desiring to be heard were heard; and

**WHEREAS**, the Planning Commission considered, without limitation:

1. The February 21, 2008 and April 3, 2008 agenda reports to the Planning Commission with attachments;
2. The General Plan, Local Coastal Program, Municipal Code, North 101 Corridor Specific Plan, and associated Land Use Maps;
3. Oral evidence submitted at the hearings;
4. Written evidence submitted at the hearings;
5. Project drawings consisting of six (6) sheets, including First Floor Plan/Site Plan, Second Floor Plan, Third Floor Plan, Exterior Elevations and Sections, Roof Plan,

and Landscape Plan; and Tentative Map and Grading Improvement Plans consisting of two (2) sheets; all dated received by the City of Encinitas on March 5, 2008; and

**WHEREAS**, the Planning Commission made the following findings pursuant to Section 66474 of the Subdivision Map Act, Sections 23.08.080 (Design Review) and 30.80.090 (Coastal Development Permits) of the Encinitas Municipal Code:

(SEE ATTACHMENT "A")

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission of the City of Encinitas hereby approves application 07-004 DR/TM/CDP subject to the following conditions:

(SEE ATTACHMENT "B")

**BE IT FURTHER RESOLVED** that the Planning Commission, in its independent judgment, finds that this project is categorically exempt from environmental review pursuant to Sections 15301(l)(1) and 15332 of the California Environmental Quality Act (CEQA) Guidelines.

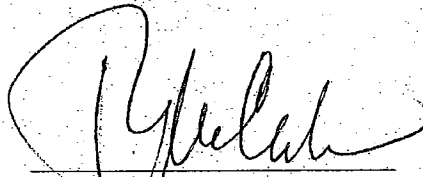
**PASSED AND ADOPTED** this 3<sup>rd</sup> day of April, 2008, by the following vote, to wit:

AYES: Chapo, Felker, Van Slyke, McCabe

NAYS: None

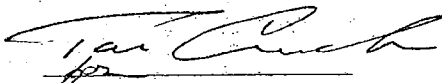
ABSENT: Steyaert

ABSTAIN: None



Tom McCabe, Chair of the  
Encinitas Planning Commission

ATTEST:



Patrick Murphy  
Secretary

**NOTE:** This action is subject to Chapter 1.04 of the Municipal Code, which specifies time limits for legal challenges.

**ATTACHMENT "A"**  
**Resolution No. PC 2008-13**  
**Case No. 07-004 DR/TM/CDP**

**FINDINGS FOR DESIGN REVIEW**

**STANDARD:** Section 23.08.080 of the Encinitas Municipal Code provides that an application for a design review permit must be granted unless, based upon the information presented in the application and during the Public Hearing, the authorized agency makes any of the following regulatory conclusions:

- a. The project design is inconsistent with the General Plan, North 101 Corridor Specific Plan, or the provisions of the Municipal Code.

**Facts:** The application requests a Design Review Permit, Tentative Map and Coastal Development Permit for a common-interest subdivision for a five (5)-unit development in conformance with the N-R25 zoning designation standards within the Leucadia Community area. The subject site consists of a gross 14,677 square-foot substandard legal lot (the standard lot area for the N-R25 zone is 20,000 sq. ft.) with 105.5 feet in width and 139.42 feet in depth. The site contains two (2) existing single-story vacant residential structures proposed to be removed. Vegetation consists of various shrubs, turf ground covers and four (4) significantly mature eucalyptus trees along the street frontage of the property.

**Discussion:** The N-R25 zone is intended to provide for compatible high density multiple-family developments including apartments and condominiums with a maximum density of 25 units per net acre and a mid-range density of 22.5 units per net acre as noted in Chapter 30.16 (Residential Zones) of the Encinitas Municipal Code. The proposed density of five (5) residential units is below the allowable mid-range density of seven (7) units. The proposed five (5)-unit three-story structure represents a modern design utilizing a good mixture of compatible materials and the creation of a visually interesting development. The project substantially conforms to site, building, and architectural design recommendations by incorporating varying horizontal and vertical articulation elements as well as eaves, decks, railings, lap sidings, window shutters, exposed rafter tails, standing seam metal roof, and other architectural projections. The project complies with all the development standards of the subject N-R25 zoning district including density, setbacks, building heights and lot coverage.

The applicant is requesting to waive the requirements of Section 30.16.010D8, which requires recreational facilities including children's play area and swimming pool to be provided on site unless waived during the Design Review process. The project does include a common picnic area. Even though the proposed project is a multi-family development the layout and design of the project is not that of a higher density development such as an apartment complex where these recreational facilities would be more appropriate.

**Conclusion:** The Planning Commission finds that the project design is consistent with the General Plan, North 101 Corridor Specific Plan and the provisions of the Municipal Code.

- b. The project design is substantially inconsistent with the Design Review Guidelines.

**Facts:** Section 4.6 of the North 101 Corridor Specific Plan contains design recommendations related to design and site layout, building design, landscape design and privacy and security with which the authorized agency must find the project substantially consistent in order to grant approval. The subject application proposes to construct a five (5)-unit, attached, condominium residential project. The subject site consists of a gross 14,677 square-foot substandard legal lot (the standard lot area for the N-R25 zone is 20,000 sq. ft.) with 105.5 feet in width and 139.42 feet in depth. The size of the units ranges from 1,855 to 1,985 square feet and the units will have balcony areas for use as private open space. Residents' parking spaces are provided within the five (5) enclosed two-car parking garages, with two (2) guest surface parking spaces provided adjacent to the parking garage for Unit #5. The project will be accessed via a 24-foot wide concrete driveway off of N. Vulcan Avenue.

**Discussion:** The selected architectural design, reminiscent of a beach-style cottage, is proposed with the utilization of a non-reflective galvanized metal roof material, fiber cement lap sidings, wood shutters, belly bands, decks and railings, and plaster-finish exterior walls. The standing-seam metal roof will be "Old Zinc Grey", a non-reflective light gray color. The building siding is proposed to be of fiber cement composite and the shutters, railings, decks and belly bands will be with a stained wood material. Garage doors are proposed with custom stained wood materials and distinctive designs. The carport is designed to be an integral part of the project with similar heavy timber wood material.

Building accents include the use of four distinctive shades of green/tan colors for the fiber cement lap siding, and the varied use of simulated wood shutters and wood balconies and railings. Each unit is proposed to be painted a different color and material applications are utilized in order to distinguish the unit from each other but still maintain the beach-style theme throughout all four elevations of the project. The lap siding materials will be used primarily at the second- and third-story exterior walls to complement the chosen architectural design, while shutters will be placed on the sides or as a shade canopy for select windows. The white vinyl windows complement the different colored lap siding and wood accents. The front elevation provides sufficient horizontal wall plane variations with complimentary materials carried around each corner. Variations also include second and third level decks with railings all with distinctive wood designs. The landscape plan provides ample coverage for the project site and substantial backyard planting would ensure that the project is buffered from and blends visually with the surrounding development, as viewed from the adjacent residences.

The proposed multi-story development design is compatible with the surrounding types of structures including the two-story multi-unit development most adjacent to the south. The project is proposing a 15-foot rear yard setback from the most easterly property line. The 15-foot setback will also serve as a landscaping buffer, as required under Section

30.16.010D3 of the Municipal Code, so as not to impose on the privacy of the adjacent single story dwelling unit. Additionally, a 19-foot side yard setback from the most northerly property line is proposed to provide vehicular access to the parking garages and guest parking spaces in the rear of the property, and also provide a buffer from the northerly property. The project will maintain a five (5)-foot side yard setback from the southerly property line with a three story element on the southwest corner of the structure transitioning easterly into a two-story element and a courtyard in the rear yard. The bulk and mass on this elevation is consistent with the three-story structure most adjacent to the south.

**Conclusion:** The Planning Commission finds that the project design is substantially consistent with the Design Review Guidelines.

- c. The project would adversely affect the health, safety, or general welfare of the community.

**Facts:** The project is categorically exempt from environmental review pursuant to Sections 15301(l)(1) and 15332 of the California Environmental Quality Act (CEQA) Guidelines. Section 15301(l)(1) exempts the demolition of up to three (3) single-family residential structures. Section 15332 exempts in-fill developments which are consistent with local general plan and zoning requirements. Service availability letters were submitted to demonstrate that all services/infrastructure are available to serve the subject property. The proposed multi-family development is allowed by right in the subject Residential 25 (N-R25) zone of the North 101 Corridor Specific Plan Area and no evidence has been submitted or discovered that would suggest that the proposed project would adversely affect the surrounding neighborhood or community.

**Discussion:** The proposed use is allowed by right in the subject N-R25 zone and no evidence has been submitted or discovered that would suggest that the proposed project would adversely affect the surrounding neighborhood or community. All services/infrastructure (i.e. stormwater facilities, water and sewer) are available and provided as required under this permit to serve the subject property. The project is exempt from the requirements of CEQA and no adverse impact to the environment is anticipated.

**Conclusion:** The Planning Commission finds that the project will not adversely affect the health, safety, or general welfare of the community.

- d. The project would cause the surrounding neighborhood to depreciate materially in appearance or value.

**Facts:** The application requests a Design Review and Tentative Map approval for a common-interest subdivision for a five (5)-unit development in conformance with the N-R25 zoning designation standards within the Leucadia Community area.

**Discussion:** The proposed multi-story development design is compatible with the surrounding types of structures. The adjacent properties to the north and south are developed with a two-story and three-story multi-family structures respectively. The property to the east is developed with a single-story single family residential structure. The selected architectural design, reminiscent of a beach-style cottage, proposes to use a

non-reflective galvanized metal roof material, fiber cement lap siding, wood shutters, belly bands, decks and railings, and plaster-finish exterior walls. Each unit is proposed to be painted a different color and material applications in order to distinguish the unit from each other but still maintain the beach-style theme throughout all four elevations of the project. The standing-seam metal roof will be "Old Zinc Grey", a non-reflective light gray color. The building siding is proposed to be of fiber cement composite and the shutters, railings, decks and belly bands will be with a wood-stained material. Garage doors are proposed with custom wood stained materials and distinctive designs. The carport is designed to be an integral part of the project with similar heavy timber wood material and wood stained color.

The project substantially conforms to site, building, landscape and privacy design standards by incorporating varying horizontal and vertical articulation elements as well as eaves, decks, railings, and other architectural projections. The project would enhance the appearance of the property and the neighborhood. The proposed colors, materials and architectural features are well coordinated and complementary to the site and its surroundings. The landscape plan provides ample coverage for the project site and substantial backyard planting would ensure that the project blends visually with the surrounding development, as viewed from the adjacent residences. No evidence has been submitted or discovered that would suggest that the proposed project would cause any material depreciation in appearance or value of the surrounding neighborhood.

**Conclusion:** The Planning Commission finds that the project will not cause the surrounding neighborhood to depreciate materially in appearance or value.

## FINDINGS FOR A TENTATIVE MAP

**STANDARD:** Section 66474 of the California Government Code requires that the authorized agency approve an application for a Tentative Map unless, based upon the information presented in the application and during the Public Hearing, the authorized agency makes any of the following findings of fact:

- a. That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451 of the Subdivision Map Act.

**Facts:** The application requests a Tentative Map for a proposed common-interest subdivision for a five (5)-unit development in conformance with the N-R25 zoning designation within the Leucadia Community area. The subject site consists of a 14,677 square-foot substandard legal lot (the standard lot area for the N-R25 zone is 20,000 sq. ft.) with 105.5 feet in width and 139.42 feet in depth. The subject site is designated for multi-family residential use by the City of Encinitas General Plan and is zoned Residential 25 (N-R25) as per the North 101 Corridor Specific Plan. The General Plan allows a maximum density of 25 dwelling units per net acre in the N-R25 zone with a mid-range density of 22.5 dwelling units per net acre.

**Discussion:** Attached multi-family residential development and associated improvements is a land use permitted by right in the N-R25 Zoning District. The subject gross 14,677 square-foot substandard legal lot would yield a mid-range density of seven (7) dwelling units per acre. The proposed density of five (5) residential units is below the allowable mid-range density of seven (7) units. Approval of the project would include conceptual grading for residential building pads and access driveways as shown on the Tentative Map.

**Conclusion:** The Planning Commission finds that the proposed common-interest condominium map is consistent with the General Plan and the North 101 Corridor Specific Plan.

- b. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.

**Facts:** The application requests a Tentative Map for a proposed common-interest subdivision for a five (5)-unit development in conformance with the N-R25 zoning designation within the Leucadia Community area. Chapter 24.12 (Subdivisions) of the Municipal Code sets forth design standards for subdivisions.

**Discussion:** The project will be accessed via a 28.5-foot wide concrete driveway off of North Vulcan Avenue. The proposed access and all other design criteria satisfy City standards for the N-R25 zone contained in Chapters 24.12 and 30.16 of the Encinitas Municipal Code and Section 4.6 of the North 101 Corridor Specific Plan. The subject project also complies with the development standards applicable to the N-R25 zone identified in Section 30.16.010A of the Municipal Code and Section 3.1.1 of the North 101 Corridor Specific Plan. The proposed public and private improvements related to the

project have been reviewed by the Engineering Services and Fire Departments and, with the implementation of the conditions of approval of this resolution, have been found to comply with all applicable standards and regulations. The subject parcel will have more than sufficient space to accommodate the proposed project while complying with all Municipal Code and General Plan provisions.

**Conclusion:** The Planning Commission finds that the design or improvement of the proposed common-interest subdivision is consistent with the General Plan and North 101 Corridor Specific Plan.

- c. That the site is not physically suitable for the proposed type of development.

**Facts:** The application requests a Tentative Map for a proposed common-interest subdivision for a five (5)-unit development in conformance with the N-R25 zoning designation within the Leucadia Community area. The subject site consists of a 14,677 gross square-foot substandard legal lot (the standard lot area for the N-R25 zone is 20,000 sq. ft.) with 105.5 feet in width and 139.42 feet in depth. The project will be accessed via a 24-foot wide concrete driveway from North Vulcan Avenue. The subject site is designated for multi-family residential use by the City of Encinitas General Plan and is zoned Residential 25 (N-R25) as per the North 101 Corridor Specific Plan. A Preliminary Geotechnical Investigation Report was prepared by Coast Geotechnical Engineering to evaluate the onsite soils and geologic conditions and their effects on the proposed development.

**Discussion:** The project as proposed will comply with all applicable development standards of the subject N-R25 zone, including parking, lot coverage, building height, and setbacks. The existing substandard parcel will have more than sufficient area to accommodate the proposed project while complying with all Municipal Code, Specific Plan and General Plan provisions. The geotechnical report prepared by Coast Geotechnical Engineering for the proposed project concluded that the site is suitable for the proposed development with recommendations to be implemented during the design and construction phases. The report was subject to a Third Party Geotechnical Review by the City's Geotechnical Consultant, Geopacifica. Geopacifica found that said geotechnical reports provide information to adequately meet the standards of the City of Encinitas Municipal Code and General Plan policies.

**Conclusion:** The Planning Commission finds that the site is physically suitable for the Tentative Map

- d. That the site is not physically suitable for the proposed density of development.

**Facts:** The subject site is designated for multi-family residential use by the City of Encinitas General Plan and is zoned Residential 25 (N-R25) as per the North 101 Corridor Specific Plan. The N-R25 zone is intended to provide for compatible high density multiple-family developments including apartments and condominiums with a maximum density of 25 units per net acre and a mid-range density of 22.5 units per net acre as noted in Chapter 30.16

(Residential Zones) of the Encinitas Municipal Code. The subject site consists of a gross 14,677 square-foot substandard legal lot (standard lot area for the N-R25 zone is 20,000 sq. ft.) with 105.5 feet in width and 139.42 feet in depth. The project will be accessed via a 24-foot wide concrete driveway off of North Vulcan Avenue. A Preliminary Geotechnical Investigation Report was prepared by Coast Geotechnical Engineering to evaluate the onsite soils and geologic conditions and their effects on the proposed development.

**Discussion:** The subject 14,677 gross square-foot substandard legal lot would yield a mid-range density of seven (7) dwelling units. The proposed density of five (5) residential condominium units is below the allowable mid-range density of seven (7) units. Therefore, the project density is in compliance with the density requirements of the Municipal Code and General Plan. The geotechnical report prepared by Coast Geotechnical Engineering for the proposed project concluded that the site is suitable for the proposed development with recommendations to be implemented during the design and construction phases. The report was subject to a Third Party Geotechnical Review by the City's Geotechnical Consultant, Geopacifica. Geopacifica found that said geotechnical reports provide information to adequately meet the standards of the City of Encinitas Municipal Code and General Plan policies.

**Conclusion:** The Planning Commission finds that the site is physically suitable for the proposed density of development.

- e. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially or avoidably injure fish or wildlife or their habitat.

**Facts:** The application requests a Tentative Map for a proposed common-interest subdivision for a five (5)-unit development in conformance with the N-R25 zoning designation within the Leucadia Community area. Chapter 24.12 (Subdivisions) of the Municipal Code sets forth design standards for subdivisions. The project will be accessed via a 24-foot wide concrete driveway off of North Vulcan Avenue. The proposed project would include site grading, construction of storm water treatment facilities, and street improvements.

**Discussion:** The proposed access and all other design criteria satisfy City standards for the N-R25 zone contained in Chapters 24.12 and 30.16 of the Encinitas Municipal Code and Section 4.6 of the North 101 Corridor Specific Plan. The project is categorically exempt from environmental review pursuant to Sections 15301(l)(1) and 15332 of the California Environmental Quality Act (CEQA) Guidelines. Section 15301(l)(1) exempts the demolition of up to three (3) single-family residential structures. Section 15332 exempts in-fill developments which are consistent with local general plan and zoning requirements. Service availability letters were submitted to demonstrate that all services/infrastructure are available to serve the subject property. No evidence has been submitted or discovered that would suggest that the proposed project would cause substantial environmental damage or substantially or avoidably injure fish or wildlife or their habitat.

**Conclusion:** The Planning Commission finds that the design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially or avoidably injure fish or wildlife or their habitat.

- f. That the design of the subdivision or the type of improvements is likely to cause serious public health problems.

**Facts:** The application requests a Tentative Map for a proposed common-interest subdivision for a five (5)-unit development in conformance with the N-R25 zoning designation within the Leucadia Community area. Chapter 24.12 (Subdivisions) of the Municipal Code sets forth design standards for subdivisions. The proposed project would include site grading, construction of storm water treatment facilities, and street improvements. The applicant has submitted service availability letters to indicate that the Water, Sewer and Fire agencies can provide adequate service and utilities to the project site.

**Discussion:** Because the proposed project complies with all applicable development standards, all necessary public facilities and services are available for the project, and adequate storm-water treatment facilities are provided, the project is not likely to cause any public health problems.

**Conclusion:** The Planning Commission finds that the design of the subdivision can be adequately serviced with necessary utilities and the project will not cause any serious public health problems.

- g. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the authorized agency may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements through or use of property within the proposed subdivision.

**Facts:** All easements of record are identified in the preliminary title report for the subject property and shown on the proposed tentative map. No conflicts with easements of record have been identified.

**Discussion:** No evidence has been discovered or submitted to suggest that the common interest subdivision and development would conflict with any easement for access through or use of the subject property.

**Conclusion:** The Planning Commission finds that the proposed subdivision will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

## **FINDINGS FOR A COASTAL DEVELOPMENT PERMIT**

**STANDARD:** Section 30.80.090 of the Municipal Code provides that the authorized agency must make the following findings of fact, based upon the information presented in the application and during the Public Hearing, in order to approve a coastal development permit:

1. The project is consistent with the certified Local Coastal Program of the City of Encinitas; and
2. The proposed development conforms with Public Resources Code Section 21000 and following (CEQA) in that there are no feasible mitigation measures or feasible alternatives available which would substantially lessen any significant adverse impact that the activity may have on the environment; and
3. For projects involving development between the sea or other body of water and the nearest public road, approval shall include a specific finding that such development is in conformity with the public access and public recreation policies of Section 30200 et. seq. of the Coastal Act.

**Facts:** The application requests a Design Review and Tentative Map for a common-interest subdivision for a five (5)-unit development in conformance with the N-R25 zoning designation standards within the Leucadia Community area. The subject site consists of a 14,677 gross square-foot substandard legal lot (the standard lot area for the N-R25 zone is 20,000 sq. ft.) with 105.5 feet in width and 139.42 feet in depth. The site contains two (2) existing single-story vacant residential structures proposed to be removed. Vegetation consists of various shrubs, turf ground covers and four (4) significant mature eucalyptus trees along the street frontage of the property.

**Discussion:** The proposed project site lies within the Coastal Zone of the City of Encinitas and requires the issuance of a regular Coastal Development Permit. With approval of the Design Review Permit, Tentative Map and Coastal Development permit the project conforms to the Encinitas Municipal Code and the North 101 Corridor Specific Plan. The project has been determined to be exempt from environmental review pursuant to Sections 15301(l)(1) and 15332 of the California Environmental Quality Act (CEQA) Guidelines, which exempts the demolition of up to three (3) single-family residential structures and in-fill developments which are consistent with local general plan and zoning requirements. The subject site is located on fully disturbed property consisting of impervious surface area, landscaping and two (2) existing residential single-story structures. The site is not located between the sea and the nearest public road.

**Conclusion:** The Planning Commission finds that 1) the project is consistent with the certified Local Coastal Program of the City of Encinitas; 2) required finding No. 2 is not applicable since no significant adverse impact is associated with the project; and regarding finding 3), the project is not located between the sea and the nearest public road and the approval of this Coastal Development Permit satisfies the requirements of the Encinitas Local Coastal Program.

**ATTACHMENT "B"**  
**Resolution No. PC 2008-13**  
**Case No. 07-004 DR/TM/CDP**

Applicant: Vulcan Ocean View Properties, LLC

Location: 1865 N. Vulcan Avenue (APN: 254-070-37)

**SC1 SPECIFIC CONDITIONS:**

SC3 Approval of the Tentative Map and all associated permits will expire on April 3, 2011 at 5:00 pm, three years after the approval of this project, unless the conditions have been met or an extension of time has been approved pursuant to the Municipal Code.

SC5 This project is conditionally approved as set forth on the application dated received by the City on January 22, 2007; and project architectural drawings consisting of six (6) sheets, including First Floor Plan/Site Plan, Second Floor Plan, Third Floor Plan, Exterior Elevations and Sections, Roof Plan, and Landscape Plan; and Tentative Map and Grading Improvement Plans consisting of two (2) sheets; all stamped received by the City on March 5, 2008; all designated as approved by the Planning Commission on April 3, 2008; and shall not be altered without express authorization by the Planning and Building Department.

SCA Every effort shall be made to preserve the existing mature Eucalyptus trees along North Vulcan Avenue while still providing for succession with mature trees to replace them once they die or have to be removed due to advanced disease. In order to accomplish this, prior to approval of building or grading permits, the applicant shall provide a plan for interim improvements to the satisfaction of the Engineering Services and Planning and Building Departments. Those interim street improvements shall meet minimum requirements for drainage, pedestrian and vehicular circulation, etc. while still preserving the Eucalyptus trees. **The interim street improvement plan shall be subject to review and approval by the City Council prior to issuance of building/grading permit.** At any such time as the Eucalyptus trees must be removed in the future due to death or hazard associated with advanced disease, the remaining improvements required to conform with the requirements of the North Coast Highway 101 Specific Plan shall be installed to the satisfaction of the Engineering Services Department. Prior to building or grading permit issuance the applicant shall post a bond sufficient to guarantee public improvements for a period of up to five (5) years to the satisfaction of the Engineering Services Department. At the conclusion of that five (5) year period, or upon Council direction on dedication/improvement standards for North Vulcan Avenue right-of-way, whichever occurs first, the applicant shall dedicate and install the improvements in accordance with the standards in effect at that time.

SCB Units #1 thru #4 shall remain as two (2) bedroom units unless the applicant/owner, or subsequent owners, can demonstrate that the project will provide sufficient parking spaces in compliance with Municipal Code Section 30.54. The two (2) unenclosed parking spaces, most adjacent to Unit #5, shall be reserved for purpose of providing parking areas for guest only and for the benefit of all five (5) units. Signage shall be posted to properly identify the two (2) guest parking spaces.

SCC The landscaping area and materials in the rear yard, as depicted on the Landscape plans, shall remain and be maintained in perpetuity to provide a screening buffer to the adjacent properties to the east as per Municipal Code Section 30.16.010D3.

SCD The plans to satisfy the following conditions shall be approved and secured to the satisfaction of the Engineering Services Department prior to issuance of the grading permit:

1. The project is proposed with grasspave and gravel driveway areas. If the project proposes more than 5,000 square feet of new impervious surfaces for driveway/parking areas, the project will qualify as a Priority Project for purposes of storm water pollution control and shall meet the numeric sizing criteria described in the City of Encinitas Best Management Practice Manual, Part II.
2. The developer shall dedicate additional right-of-way as necessary for 42 feet from centerline to property line along the property frontage to North Vulcan Ave. North Vulcan Avenue shall be widened per the North Coast Highway 101 Specific Plan, including widening the pavement along the property frontage to the proposed curb line, located eight (8) feet westerly of the property line, providing a standard curb and gutter, and providing a standard sidewalk. The location of the sidewalk shall be approved by the Engineering Department at the time of public improvement plan approval. The developer shall provide AC overlay to Vulcan Avenue along the property frontage to the satisfaction of the City Engineer. The developer shall be responsible for providing any necessary offsite transition to the existing adjacent improvements to the satisfaction of the City Engineer.
3. Grasspave is not intended for constant use. The grasspave area shown on the plan shall be changed to grass with modular concrete reinforcement acceptable to the City Engineer.
4. An overhead utility pole exists onsite. The developer shall remove the utility pole and shall provide the necessary undergrounding of any utilities' service run from the pole.
5. The property falls within an area serviced by Leucadia Wastewater District. As shown on the Tentative Map, the property shall connect to the sanitary sewer system.
6. This property may receive runoff from the easterly adjacent property. The developer shall provide a drainage system along the easterly property boundary to intercept any flows entering the project site.
7. Retaining walls are shown along the northerly and southerly property boundaries. No encroachment of work during the construction or encroachment of the foundation onto the adjacent property shall be allowed unless a letter of permission is obtained from the adjacent property owners and approved by the City prior to construction.
8. The engineer of work did not address the existing street configuration on Vulcan to the north and south of the proposed project site. Prior to approval of a grading or improvement plan for the project and prior to recordation of the final Map, the developer shall provide to the City for review and approval plans showing the existing street and drainage condition on Vulcan for 100 feet on either side of the subject property. Based upon the existing condition of the street and the drainage, the developer may be required to provide additional public improvements, including pavement and drainage facilities, beyond the project frontage.
9. The applicant shall provide improvements consistent with the approved Tentative Map.

SCE The following conditions shall be completed/fulfilled to the satisfaction of the San Dieguito Water District prior to recording the Final Map:

1. The subject property is currently being served by a 5/8-inch water meter. The current owner may apply capacity credit toward the subject property. Prior to development, the owner shall determine if each unit will be individually metered. If the units are individually metered prior to recordation of the map, the owner shall provide the San Dieguito Water District with written statement indicating which unit will receive capacity credits.
2. All water meters shall be located in front of the unit they are serving and outside of any existing or proposed travel way. Cost of relocation is the responsibility of the developer.
3. The owner/applicant shall show all existing and proposed water facilities on improvements or grading plans for the San Dieguito Water District's approval.
4. The owner/applicant shall comply with the San Dieguito Water District's fees, charges, rules and regulations.
5. Separate irrigation meter shall be required and shall have a backflow preventer installed. The owner shall be responsible for the maintenance, repair, and annual certification.
6. All fire services shall have a double detector checks installed. The owner shall be responsible for the maintenance, repair, and annual certifications.

SCF A minimum of 250 cubic feet of lockable, enclosed storage area per unit shall be provided within the garage or the main building.

SCG Recreation vehicle parking shall be prohibited on site pursuant to Municipal Code Section 30.16.010D5.

**G1 STANDARD CONDITIONS:**

**CONTACT THE PLANNING AND BUILDING DEPARTMENT REGARDING COMPLIANCE WITH THE FOLLOWING CONDITION(S):**

M1 This approval may be appealed to the City Council within 10 calendar days from the date of this approval pursuant to Chapter 1.12 of the Municipal Code.

G4 Prior to **building permit issuance/recordation of the final map**, the owner shall cause a covenant regarding real property to be recorded. Said covenant shall set forth the terms and conditions of this grant of approval and shall be of a form and content satisfactory to the Planning and Building Director. The Owner(s) agree, in acceptance of the conditions of this approval, to waive any claims of liability against the City and agrees to indemnify, hold harmless and defend the City and City's employees relative to the action to approve the project.

G5 Approval of this request shall not waive compliance with any sections of the Municipal Code and all other applicable City regulations in effect at the time of Building Permit issuance unless specifically waived herein.

- G7 Prior to issuing a final inspection on framing, the applicant shall provide a survey from a licensed surveyor or a registered civil engineer verifying that the building height is in compliance with the approved plans. The height certification/survey shall be supplemented with a reduced (8 1/2" x 11") copy of the site plan and elevations depicting the exact point(s) of certification. The engineer/surveyor shall contact the Planning and Building Department to identify and finalize the exact point(s) to be certified prior to conducting the survey.
- G10 All retaining and other freestanding walls, fences, and enclosures shall be architecturally designed in a manner similar to, and consistent with, the primary structures (e.g. stucco-coated masonry, split-face block or slump stone). These items shall be approved by the Planning and Building Department prior to the issuance of building and/or grading permits.
- G11 All roof-mounted equipment and appurtenances, including air conditioners and their associated vents, conduits and other mechanical and electrical equipment, shall be architecturally integrated, and shall be shielded from view and sound buffered to the satisfaction of the Planning and Building Department. **Note: All rooftop equipment shall be assumed visible unless demonstrated otherwise to the satisfaction of the Planning and Building Department, and adequate structural support shall be incorporated into building design.** Rooftop vent pipes shall be combined below the roof, and shall utilize decorative caps where visible from any point. Ground-mounted mechanical and electrical equipment shall also be screened through use of a wall, fence, landscaping, berm, or combination thereof to the satisfaction of the Planning and Building Department. All exterior accessory structures shall be designed to be compatible with the primary building's exterior to the satisfaction of the Planning and Building Department.
- G12 Prior to any use of the project site pursuant to this permit, all conditions of approval contained herein shall be completed or secured to the satisfaction of the Planning and Building Department.
- G13 The applicant shall pay development fees at the established rate. Such fees may include, but not be limited to: Permit and Plan Checking Fees, Water and Sewer Service Fees, School Fees, Traffic Mitigation Fees, Flood Control Mitigation Fees, Park Mitigation Fees, and Fire Mitigation/Cost Recovery Fees. Arrangements to pay these fees shall be made prior to **Final Map approval/building permit issuance** to the satisfaction of the Planning and Building and Engineering Services Departments. The applicant is advised to contact the Planning and Building Department regarding Park Mitigation Fees, the Engineering Services Department regarding Flood Control and Traffic Fees, applicable School District(s) regarding School Fees, the Fire Department regarding Fire Mitigation/Cost Recovery Fees, and the applicable Utility Departments or Districts regarding Water and/or Sewer Fees.
- G14 A plan shall be submitted for approval by the Planning and Building Department, the Engineering Services Department, and the Fire Department regarding the security treatment of the site during the construction phase, the on- and off-site circulation and parking of construction workers' vehicles, and any heavy equipment needed for the construction of the project.
- G18 Parking area shall be screened from adjacent properties and/or public view with decorative wall(s) and/or landscaping. Said screening shall be reviewed and approved by the Planning and Building Department prior to building permit issuance.

- G19 Garages enclosing required parking spaces shall be kept available and usable for the parking of owner/tenant vehicles at all times, and may not be rented or conveyed separately from the appurtenant dwelling unit.
- G21 All utility connections shall be designed to coordinate with the architectural elements of the site so as not to be exposed except where necessary. Locations of pad mounted transformers, meter boxes, and other utility related items shall be included in the site plan submitted with the building permit application with an appropriate screening treatment. Transformers, terminal boxes, meter cabinets, pedestals, ducts and other facilities may be placed above ground provided they are screened with landscaping.
- L1 The project is subject to Chapter 23.26 of the Municipal Code (Water Efficient Landscape Program), which requires a landscape and irrigation plan to be prepared by a State licensed landscape designer. The requirements for the plans are listed in Chapter 23.26. The landscape and irrigation plans including the required signature block of the State licensed landscape designer must be submitted as part of the building permit application for the project.
- L2 All required plantings and automated irrigation systems shall be in place prior to use or occupancy of new buildings or structures. All required plantings and automated irrigation systems shall be maintained in good condition, and whenever necessary, shall be replaced with new materials to ensure continued compliance with applicable landscaping, buffering, and screening requirements. All landscaping and irrigation systems shall be maintained in a manner that will not depreciate adjacent property values and otherwise adversely affect adjacent properties. All irrigation lines shall be installed and maintained underground (except drip irrigation systems).
- L3 All parking areas and driveways shall conform with Chapter 30.54 of the Municipal Code and the City's Off-street Parking and Design Manual incorporated by reference therein.
- L4 (a) All landscaping, fences, walls, etc. on the site, in any adjoining public parkways (the area between the front property line and the street) shall be permanently maintained by the owner, assigns or any successors in interest in the property. The maintenance program shall include normal care and irrigation of the landscaping; repair and replacement of plant materials and irrigation systems as necessary; and general cleanup of the landscaped and open areas, parking lots and walkways, walls, fences, etc. Failure to maintain landscaping and the site in general may result in the setting of a public hearing to revoke or modify the approval. This condition shall be recorded with the covenant required by this Resolution.
- L5 All masonry freestanding or retaining walls visible from points beyond the project site shall be treated with a protective sealant coating to facilitate graffiti removal. The sealant shall be of a type satisfactory to the Engineering and Planning and Building Departments. The property owner shall be responsible for the removal in a timely manner of any graffiti posted on such walls.
- DR1 Any future modifications to the approved project will be reviewed relative to the findings for substantial conformance with a design review permit contained in Section 23.08.140 of the Municipal Code. Modifications beyond the scope described therein may require

submittal of an amendment to the design review permit and approval by the authorized agency.

DR2 Side and rear elevations and window treatments shall be trimmed and architecturally treated so as to substantially match the front elevations. This treatment shall be reflected in building plans and shall be found satisfactory by the Planning and Building Department prior to the issuance of building permits.

M2 All project grading shall conform with the approved Tentative Map or Tentative Parcel Map. In cases where no grading is proposed at the time of the Tentative Map/Tentative Parcel Map, or in cases where the grading plan later submitted is not consistent with the approved Tentative Map/Tentative Parcel Map, the applicant shall be required to obtain a design review permit for grading prior to issuance of grading permits.

**B1 BUILDING CONDITION:**

**CONTACT THE ENCINITAS BUILDING DIVISION REGARDING COMPLIANCE WITH THE FOLLOWING CONDITION(S):**

B2R The applicant shall submit a complete set of construction plans to the Building Division for plancheck processing. The submittal shall include a Soils/Geotechnical Report, structural calculations, and State Energy compliance documentation (Title 24). Construction plans shall include a site plan, a foundation plan, floor and roof framing plans, floor plan(s), section details, exterior elevations, and materials specifications. Submitted plans must show compliance with the latest adopted editions of the California Building Code (The Uniform Building Code with California Amendments, the California Mechanical, Electrical and Plumbing Codes). These comments are preliminary only. A comprehensive plancheck will be completed prior to permit issuance and additional technical code requirements may be identified and changes to the originally submitted plans may be required.

**F1 FIRE CONDITIONS:**

**CONTACT THE ENCINITAS FIRE DEPARTMENT REGARDING COMPLIANCE WITH THE FOLLOWING CONDITION(S):**

F6 GATES: All gates or other structures or devices, which could obstruct fire access roadways or otherwise hinder emergency operations, are prohibited unless they meet standards approved by the Fire Department. All automatic gates across fire access roadways shall be equipped with approved emergency key operated switches overriding all command functions and opening the gate(s). Gates accessing four (4) or more residences or residential lots, or gates accessing hazardous, institutional, educational, or assembly occupancy group structures shall also be equipped with approved emergency traffic control activating strobe light sensor(s) which will activate the gate on the approach of emergency apparatus. All automatic gates must meet Fire Department requirements for rapid, reliable access.

F7 RESPONSE MAPS: Any development that by virtue of new structures necessitates fire hydrants, roadways, or similar features, shall be required to provide a map in a format

compatible with current Department mapping services, and shall be charged a reasonable fee for updating all Fire Department response maps.

- F10 **OBSTRUCTION OF ROADWAYS DURING CONSTRUCTION:** All roadways shall be a minimum of 24 feet in width during construction and shall be maintained clear, including the parking of vehicles, in accordance with the Uniform Fire Code and the Encinitas Fire Department.
- F11 **FIRE HYDRANTS AND FIRE FLOWS:** The applicant shall provide fire hydrants of a type, number, and location satisfactory to the Encinitas Fire Department. A letter from the water agency serving the area shall be provided that states the required fire flow is available. Fire hydrants shall be of a bronze type. Commercial fire hydrants shall have two (2) 4" outlets and one (1) 2 1/2" outlet. Residential fire hydrants shall have one (1) 4" outlet and one (1) 2 1/2" outlet. A two-sided blue reflective road marker shall be installed on the road surface to indicate the location of the fire hydrant(s) for approaching fire apparatus.
- F13 **ADDRESS NUMBERS:** Address numbers shall be placed in a location that will allow them to be clearly visible from the street fronting the structure. The numbers shall contrast with their background, and shall be no less in height than: Four inches (4") for single family homes and duplexes; Eight inches (8") for commercial and multi-family residential buildings; and Twelve inches (12") for industrial buildings.
- F14 **ADDRESS NUMBERS FOR STRUCTURES LOCATED OFF ROADWAY:** Where structures are located off a roadway on long easements/driveways, a monument marker shall be placed at the entrance where the easement/driveway intersects the main roadway. Permanent address numbers with height conforming to Fire Department standards shall be affixed to this marker.
- F15 **AUTOMATIC FIRE SPRINKLER SYSTEM:** Structures shall be protected by an automatic fire sprinkler system designed and installed to the satisfaction of the Fire Department.
- F18 **CLASS "A" ROOF:** All structures shall be provided with a Class "A" roof assembly to the satisfaction of the Encinitas Fire Department.

**E1 ENGINEERING CONDITIONS:**

**CONTACT THE ENGINEERING SERVICES DEPARTMENT REGARDING COMPLIANCE WITH THE FOLLOWING CONDITIONS:**

- E2 All City Codes, regulations, and policies in effect at the time of building/grading permit issuance shall apply.
- E3 All drawings submitted for Engineering permits shall reference the NAVD 88 datum; the NGVD 29 datum will not be accepted.

**EG1    Grading Conditions**

- EG3    The owner shall obtain a grading permit prior to the commencement of any clearing or grading of the site.
- EG4    The grading for this project is defined in Chapter 23.24 of the Encinitas Municipal Code. Grading shall be performed under the observation of a civil engineer whose responsibility it shall be to coordinate site inspection and testing to ensure compliance of the work with the approved grading plan, submit required reports to the Engineering Services Director and verify compliance with Chapter 23.24 of the Encinitas Municipal Code.
- EG5    No grading shall occur outside the limits of the project unless a letter of permission is obtained from the owners of the affected properties.
- EG6    Separate grading plans shall be submitted and approved and separate grading permits issued for borrow or disposal sites if located within city limits.
- EG7    All newly created slopes within this project shall be no steeper than 2:1.
- EG8    A soils/geological/hydraulic report (as applicable) shall be prepared by a qualified engineer licensed by the State of California to perform such work. The report shall be submitted with the first grading plan submittal and shall be approved prior to issuance of any grading permit for the project.
- EG9    Prior to hauling dirt or construction materials to any proposed construction site within this project the owner shall submit to and receive approval from the Engineering Services Director for the proposed haul route. The owner shall comply with all conditions and requirements the Engineering Services Director may impose with regards to the hauling operation.
- EG10    In accordance with Section 23.24.370 (A) of the Municipal Code, no grading permit shall be issued for work occurring between October 1st of any year and April 15th of the following year, unless the plans for such work include details of protective measures, including desilting basins or other temporary drainage or control measures, or both, as may be deemed necessary by the field inspector to protect the adjoining public and private property from damage by erosion, flooding, or the deposition of mud or debris which may originate from the site or result from such grading operations.

**ED1    Drainage Conditions**

- ED2A    An erosion control system shall be designed and installed onsite during all construction activity. The system shall prevent discharge of sediment and all other pollutants onto adjacent streets and into the storm drain system. The City of Encinitas Best Management Practice Manual shall be employed to determine appropriate storm water pollution control practices during construction.
- ED3    A drainage system capable of handling and disposing of all surface water originating within the project site, and all surface waters that may flow onto the project site from adjacent

lands; shall be required. Said drainage system shall include any easements and structures required by the Engineering Services Director to properly handle the drainage.

- ED5 The owner shall pay the current local drainage area fee prior to issuance of the building permit for this project or shall construct drainage systems in conformance with the Master Drainage Plan and City of Encinitas Standards as required by the Engineering Services Director.

**ES1 Street Conditions**

- ES5 Prior to any work being performed in the public right-of-way, a right-of-way construction permit shall be obtained from the Engineering Services Director and appropriate fees paid, in addition to any other permits required.

**EU1 Utilities**

- EU2 The owner shall comply with all the rules, regulations, and design requirements of the respective utility agencies regarding services to the project.

- EU3 The owner shall be responsible for coordination with S.D.G. & E., AT&T, and other applicable authorities.

- EU4 All proposed utilities within the project shall be installed underground including existing utilities unless exempt by the Municipal Code.

- EU4A The existing overhead utilities service to the property shall be undergrounded.

- EU5 The owner shall be responsible for the relocation and undergrounding of existing public utilities, as required.

- EU7 The design of the division of land shall provide each cable operator an opportunity to construct, install and maintain, on land identified on the map as dedicated to public utility use, any equipment necessary to extend cable television services to each residential parcel in the subdivision. This condition shall not apply to the conversion of existing dwelling units to condominiums, community apartments, or stock cooperatives.

- EU8 Subject to all applicable Federal and State laws, statutes and regulations, in the event of multiple cable communication operators desiring to serve new residential developments in which the electric power and telephone utilities are underground, the following procedure shall apply with respect to access to and utilization of underground easements:

- (a) The developer shall be responsible for contacting and surveying all franchised cable operators to ascertain which operators desire to provide cable television service to the development. The developer may establish a reasonable deadline to receive responses from cable operators. The final tract map shall indicate the cable operator(s) that have agreed to serve the development.

- (b) If one or more cable operators wish to provide service, they shall be accommodated in the joint utilities trench on a nondiscriminatory shared basis.
- (c) The developer shall provide at least (10) working days notice of the date that the utility trenches will be open to the cable operators that have agreed to serve the development.
- (d) Sharing the joint utilities trench shall be subject to compliance with Public Utilities Commission and utility standards. If such compliance is not possible, or if three (3) or more operators desire to provide service to the development, the developer shall provide a separate trench for the cable television cables, with the entire cost shared among the participating cable operators. With the concurrence of the developer, the affected utilities and the cable television operators, alternative installation procedures, such as the use of deeper trenches, may be utilized, subject to the applicable law.
- (e) Any cable operator wishing to serve an area where the trenches have been closed shall be responsible for separate trenching and associated costs; provided that if the cable operator was not provided timely written notice of the availability of such trenches, the developer shall reimburse the operator for such costs.

#### **ESW1 Storm Water Pollution Control Conditions**

ESW3 Best Management Practice shall be utilized for storm water pollution control to the satisfaction of the City Engineer. The surface run off shall be directed over grass and landscaped areas prior to collection and discharge onto the street and/or into the public storm drain system. If pipes are used for area drainage, inlets shall be located to allow maximum flow distance over grass and non-erodible landscape areas. A grass lined ditch, reinforced with erosion control blanket, or a rip-rap lined drainage ditch shall be used instead of a concrete ditch where feasible. Hardscaped areas and driveways shall be sloped toward grassy and landscaped areas. Driveways with a grass- or gravel-lined swale in the middle can be used if the site topography does not allow for the discharge of driveway runoff over landscaped areas. The **Grading Plan and Permit Site Plan** shall identify all landscape areas designed for storm water pollution control (SWPC). A note shall be placed on the plans indicating that the BMPs are to be privately maintained and the facilities not modified or removed without a permit from the City.

ESW9 For storm water pollution control purposes, all runoff from all roof drains shall discharge onto grass and landscape areas prior to collection and discharge onto the street and/or into the public storm drain system. Grass and landscape areas designated for storm water pollution control shall not be modified without a permit from the City. A note to this effect shall be placed on the **Grading and Permit Site plan**.

**EM1 Map**

**EM3** This project is approved specifically as 1 (single) phase.

**EM5** Public/private improvement plans and grading plans shall be approved and adequate surety shall be posted prior to a public hearing for approval of the final map.

# **EXHIBIT CC-2**

**Section 4.6 of the Public Road Standards**

### Section 4.3 ROAD CROSS-SECTIONS

Table 3 is a listing of public road requirements. The dimensions specified in Table 3 are minimums and are subject to the modification as further defined in these standards. Figure 1 illustrates the typical cross section information provided in Table 3.

### Section 4.4 GENERAL NOTES

A. Additional right-of-way width may be required to accommodate slopes, drainage structures, bikeways, parking lanes, recreational trails, additional landscaping, additional turning lanes and/or other required improvements.

B. Roadway width includes the median strip.

C. Where a public road is entirely within a subdivision project's boundary, the developer shall dedicate the right-of-way and construct the ultimate improvements as required in Table 3, consistent with the road classification.

D. Where a public road is adjacent to the project's boundary, the developer shall construct any required curbs, gutters, ditches, and/or sidewalks and a minimum of one-half of the surfacing width specified in Table 3 for that particular road classification, but in no case less than 28 feet of paving and 40 feet of grading, plus slopes.

### Section 4.5 EXISTING IMPROVEMENTS GREATER THAN THE MINIMUM STANDARD DIMENSIONS

Where full improvements have been constructed on 50 percent or more of a block and the dimensions of any of the improvements are greater than the dimensions shown in Table 3, the standard for that block shall be set by the dimensions of those existing improvements, unless otherwise modified by the Director of Public Works or the City Council.

### Section 4.6 APPLICATION AND MODIFICATION OF STANDARDS

The minimum standards presented in Table 3 provide for the full level of improvements normally required for each road classification. There are situations, however, where due to site specific conditions, the full level of improvements may not be appropriate or desirable for Circulation and Non-Circulation

include environmental considerations, community character, the extent and type of any existing improvements and forecasted future circulation and access requirements. Other situations may dictate that the improvements are required, but that a modified type, color, finish or texture would provide an improvement that was more in keeping with the neighborhood character.

The application and modification of standards can be initiated by City Council, by any developer that is required to construct public road improvements, or by property owners adjacent to a proposed City improvement project. In most cases City staff would present a recommendation to the Planning Commission. Depending on the type of modification requested (to be addressed below) a recommendation would then be passed on to the City Council via the Traffic Advisory Committee or a final determination may be made at Planning Commission level.

Table 4 below provides a guide for the implementation of modified standards. This matrix lists type of improvement and the roles of Commissions and Council. The body that makes the final determination is indicated as well as those bodies that act to recommend modified standards. The Planning Commission will act to make determinations only in the cases of major subdivisions, appeals and General Plan consistency issues. City staff would make determinations only when a precedent had been set for a specific road by a higher body.

TABLE 4  
IMPLEMENTATION OF MODIFIED STANDARDS

IMPROVEMENT	ADMINIS- TRATIVE	C.A.B.	PLANN. COMMIS.	TRAFFIC AD. COMM.	CITY COUNCIL
R/W Width	R	R	R	R	D
No. of Lanes	R	R	R	R	D
Lane Width				R	D
Parking Lane	R	R	R	R	D
Walkway	R	R	R		D
Lighting	R	R	R	R	D
Parkway	R	R	R		D
Grading	D***	R	R		D
Pavement Edge*	R	D	D		
Landscaping	R	D	D		
Concrete Finish**	R	D	D		

R = Preliminary Recommendation  
D = Final Determination

\* The Director of Public Works shall recommend the level of on-street drainage facilities required to provide public safety. The Planning Commission shall determine an appropriate type, color, finish and texture of pavement edge that meets the drainage need.

\*\* The Planning Commission may determine the color, finish and texture of concrete used for pavement edges and walkways.

\*\*\* The Director of Public Works may allow modification of the requirement for right-of-way grading where practical difficulties or unnecessary hardship would result from the strict application of the provisions of these standards.

## SECTION 5 REQUIRED ROAD IMPROVEMENTS

### Section 5.1 CURB AND GUTTER

Portland cement concrete curbs and gutters conforming to San Diego Area Regional Standard Drawings shall be constructed on all public roads in conformance with the following:

- A. Vertical Curb and Gutter shall be constructed on:
1. Prime arterials.
  2. Limited prime arterials.
  3. Major Arterials.
  4. Collectors.
  5. Augmented locals.
  6. Non-rural Circulation Element Locals.
  7. Urban Locals, except as provided in Section 5.1.D, below.
  8. Semi-Rural Locals, one side only, except as provided in Section 5.1.D, below.
  9. One-way locals, except as provided in Section 5.1.D, below.
  10. Special case locals, except as provided in Section 5.1.D, below.
- B. Rolled Curb and Gutter shall be constructed on:
1. Rural Circulation Element Locals.
  2. Semi-Rural Locals, one side only.

# **EXHIBIT CC-3**

**Figure 5-D of the North 101 Corridor Specific  
Plan**

## 5.0 Circulation Plan

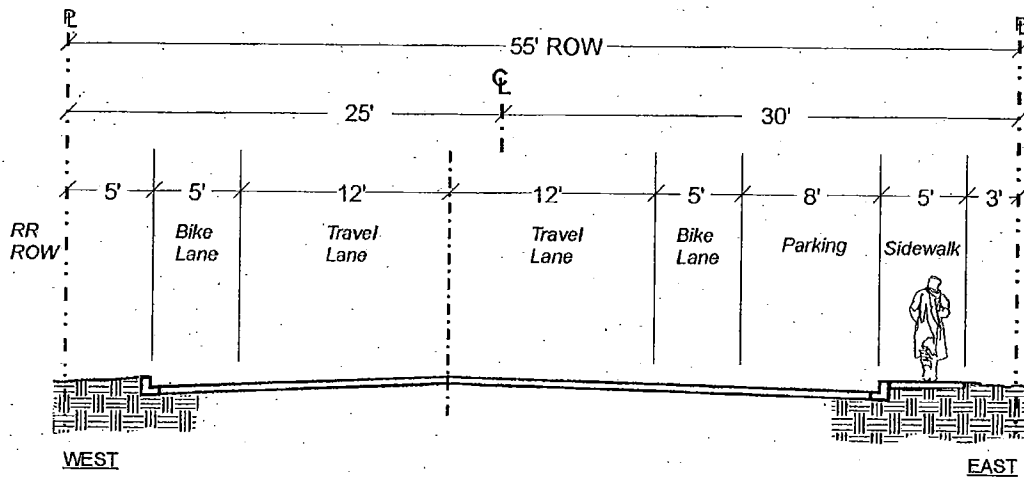


Figure 5-D  
North Vulcan Avenue - North of Union Street  
55-Foot Proposed Right-of-Way

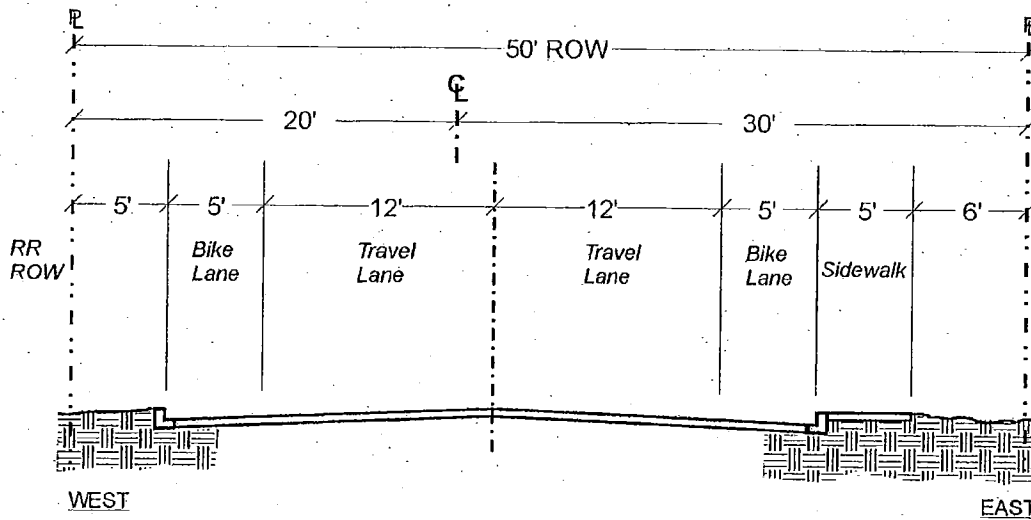
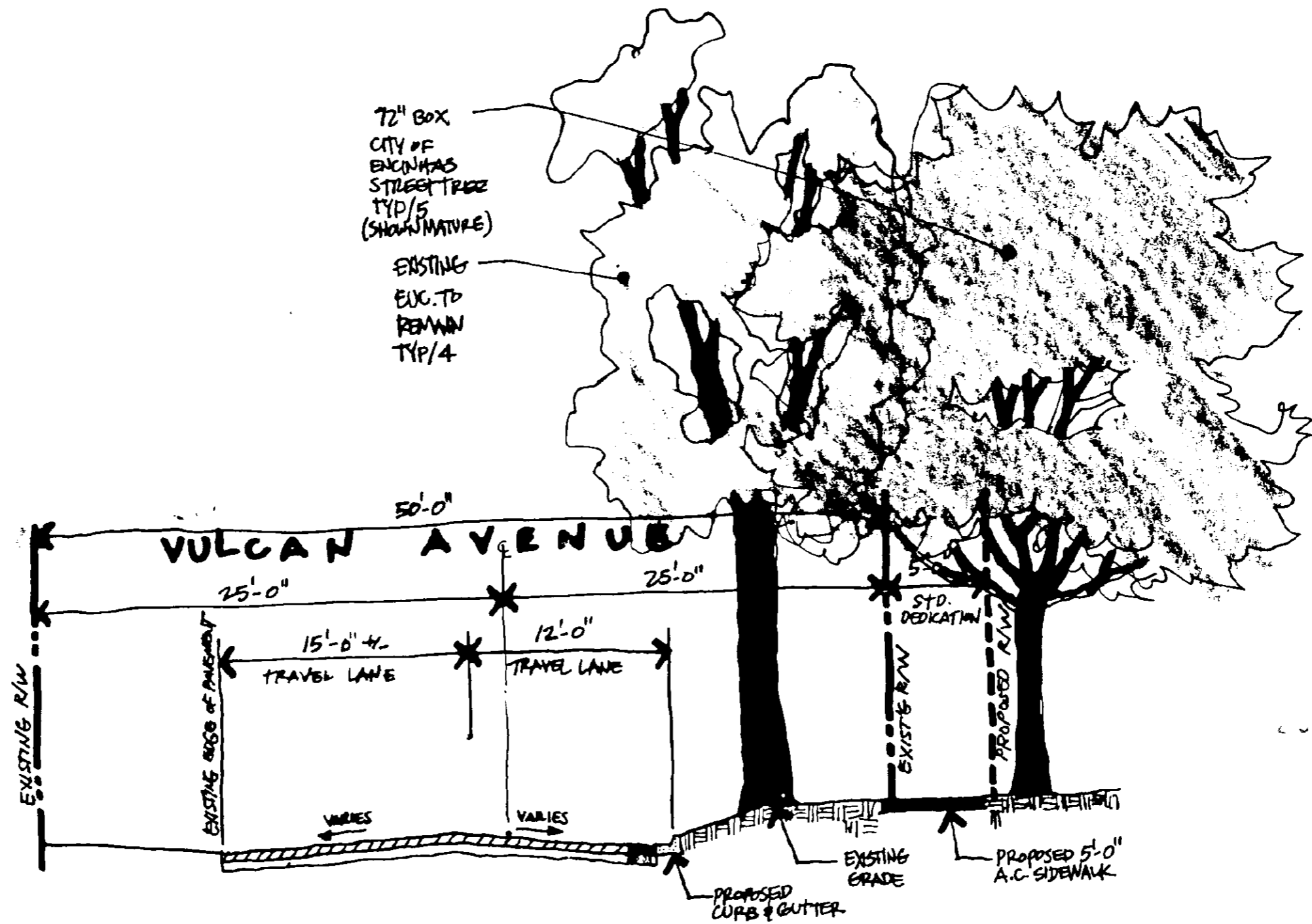


Figure 5-E  
North Vulcan Avenue - South of Union Street  
50-Foot Proposed Right-of-Way

# **EXHIBIT CC-4**

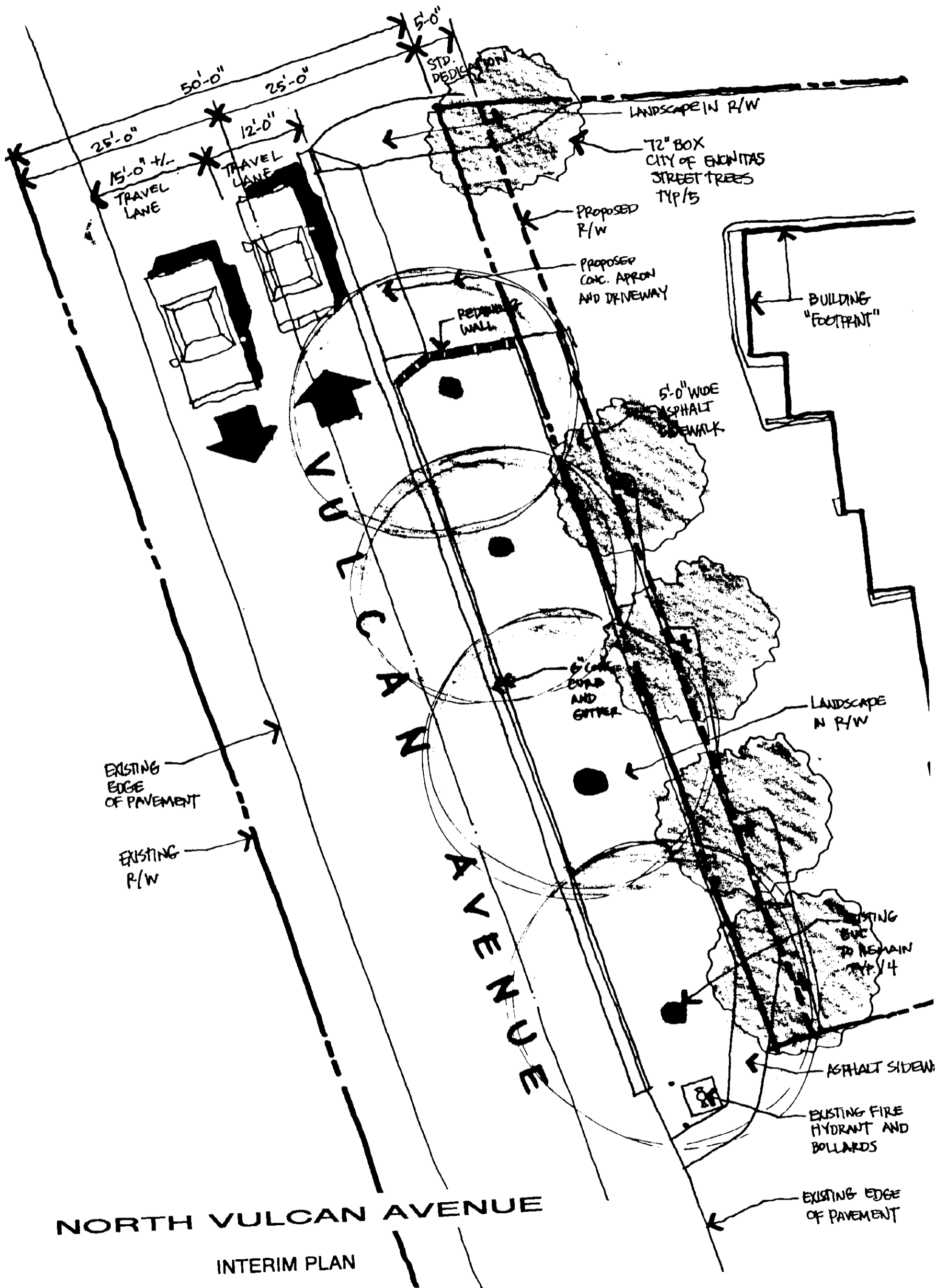
## **Interim Road Improvement Plan**



# NORTH VULCAN AVENUE

STREET SECTION INTERIM PLAN

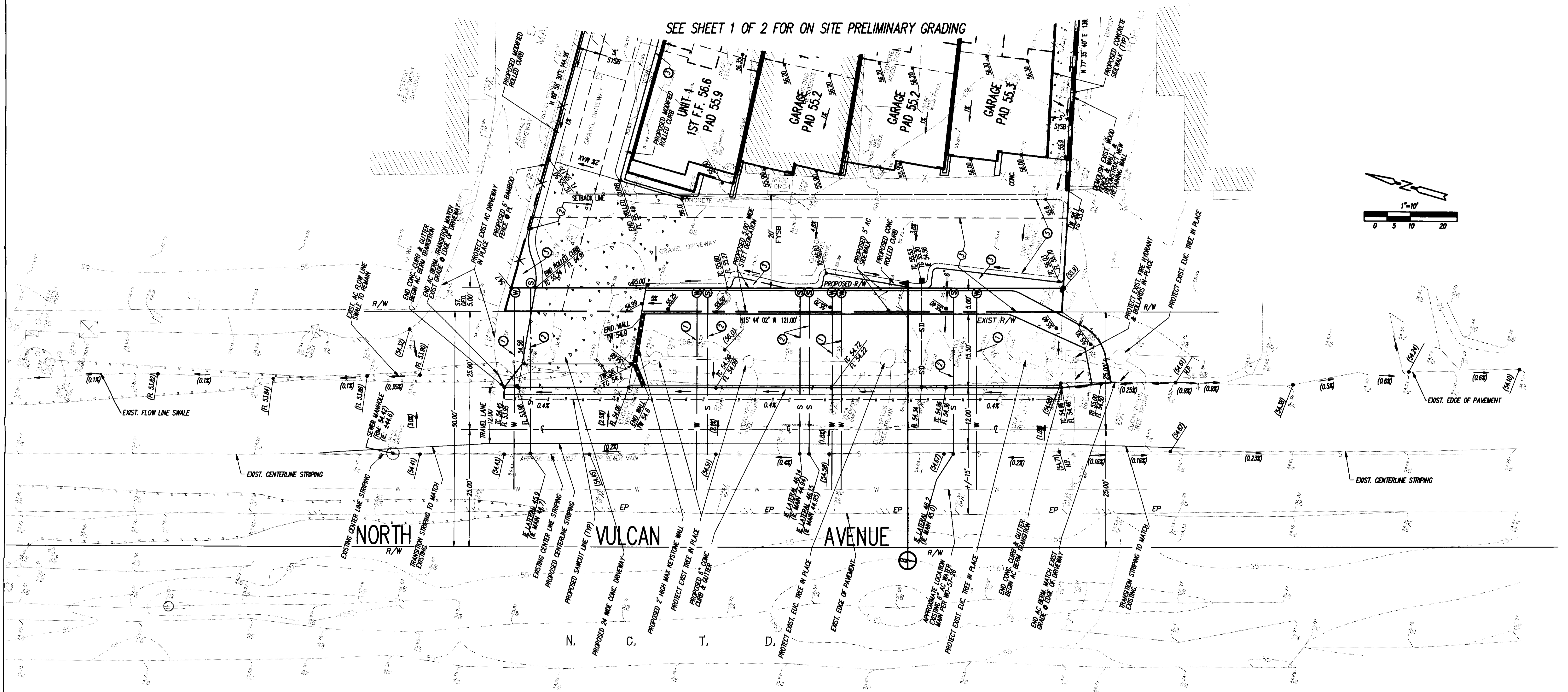
07-004 DP km/cdp



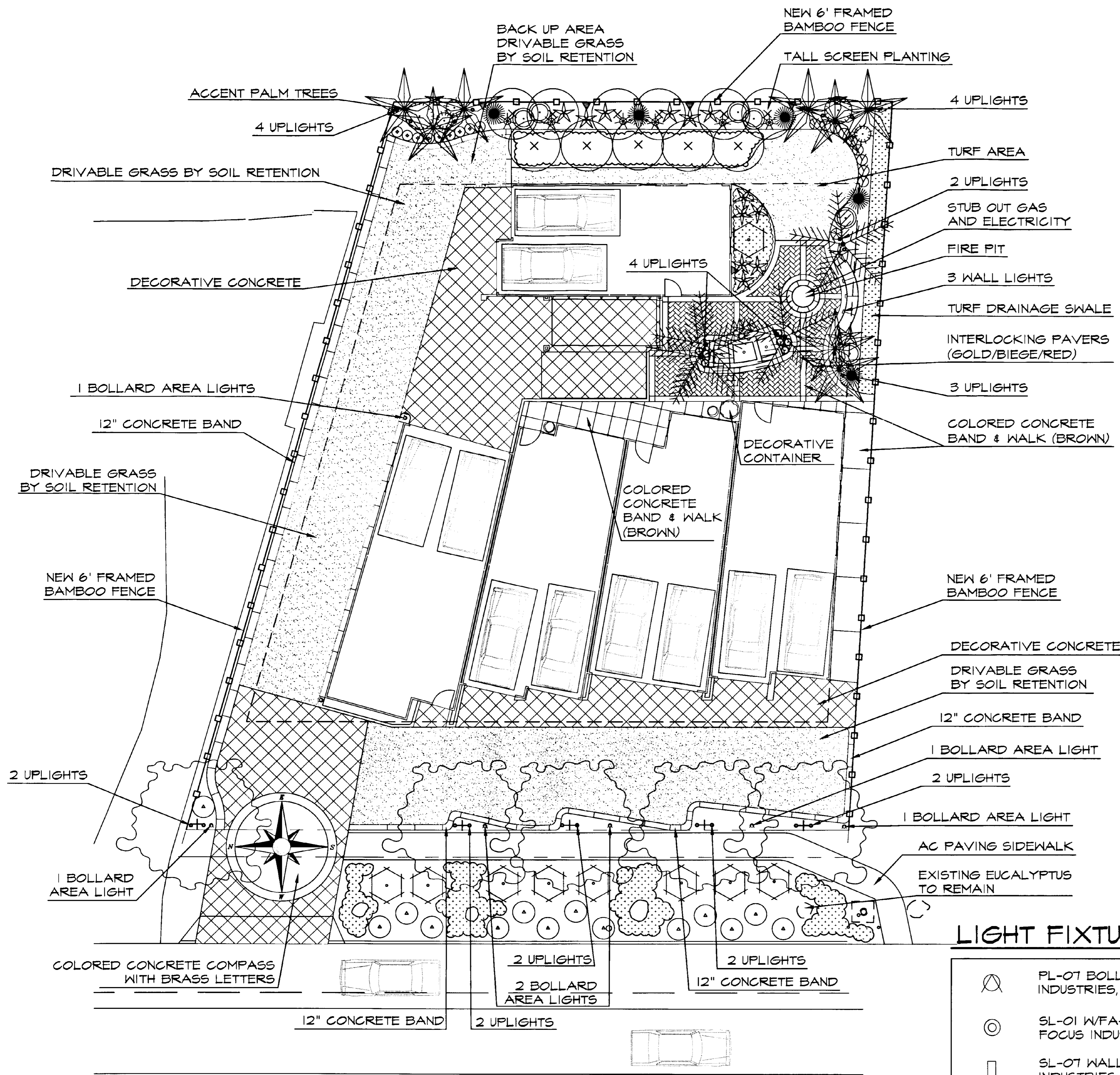


# TENTATIVE MAP FOR CONDOMINIUM PURPOSES

*SHEET 2 OF 2*



Drawings and specifications are the property of the architect. The architect shall not be held responsible for any errors or omissions in the drawings or specifications. The architect shall not be held responsible for any construction or installation of the project. The architect shall not be held responsible for any damage to the project. The architect shall not be held responsible for any delay in the project. The architect shall not be held responsible for any cost overruns in the project. The architect shall not be held responsible for any other matters related to the project.



### LIGHT FIXTURE LEGEND

- PL-07 BOLLARD PATH LIGHT BY FOCUS INDUSTRIES, INC.
- SL-01 WFA-20 SPECIALTY UPLIGHT BY FOCUS INDUSTRIES, INC.
- SL-07 WALL LIGHT BY FOCUS INDUSTRIES, INC.

### TREE LIST

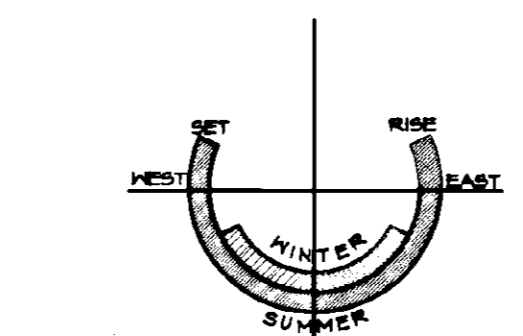
SYMBOL	LATIN NAME/ COMMON NAME	SPREAD	CONTAINER SIZE	QUANTITY
ACCENT TREES				
	SYAGRUS ROMANZOFFIANUM QUEEN PALM	20'	15 GAL	4
	ARCHONTOPHOENIX CUNNINGHAMIANA KING PALM	15'	15 GAL	8
CITY OF ENCINITAS STREET TREES				
	EUCALYPTUS SIDEROXYLON RED IRONBARK	30'	36" - 42" BOX AS AVAILABLE	5

### SHRUB LIST

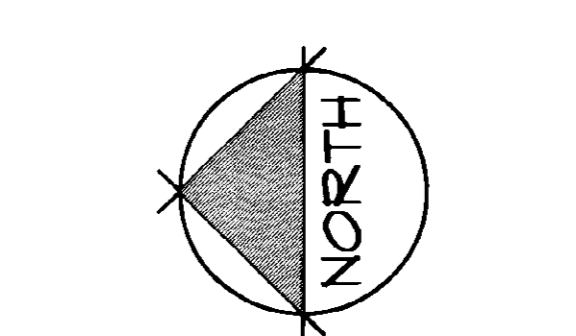
SYMBOL	LATIN NAME/ COMMON NAME	SPREAD	CONTAINER SIZE
SHRUBS			
	PSIDUM GATTELIANUM STRAWBERRY GUAVA	10'	5 GAL
	EUPHORBIA LAMBII TALL CHARTREUSE SPURGE	5'	5 GAL
	STRELITZIA NICOLAI GIANT BIRD OF PARADISE	5'	5 GAL
	MUHLENBERGIA RIGENS DEER GRASS	4'	1 GAL
	LANTANA 'IRENE' COMPACT LANTANA	4'	1 GAL
	STRELITZIA REGINAE BIRD OF PARADISE	4'	1 GAL
	PHORMIUM TENAX JACK SPRATT	3'	1 GAL
	LEUCADENDRON SALIGNUM 'CHIEF' SILVER TREE	3'	1 GAL
	HELIOTRICHON SEMPERVIRENS BLUE OAT GRASS	3'	1 GAL
	AGAPANTHUS ORIENTALIS 'LILY OF THE NILE'	3'	1 GAL
	HEUCHERA DOLCE 'KEY LIME PIE' CORAL BELLS	3'	1 GAL
	HEUCHERA X 'PLUM PUDDING' CORAL BELLS	2'	1 GAL
	FENNISETUM ALOPECUROIDES 'HAEMEL' FOUNTAIN GRASS	2'	1 GAL
	SEDUM HISPICUM 'PURPUREUM' STONECROP	2'	1 GAL
GROUND COVER			
	FRAGARIA 'PINK PANDA' PINK PANDA STRAWBERRY	2' O.C.	1 GAL
	TURF - DRAINAGE SWALE DWARF TURF TYPE FESCUE	-	SOD
	TURF - DWARF TURF TYPE FESCUE	-	SOD
	TURF - GRASS CELL PAVERS DWARF TURF TYPE FESCUE	-	SOD/ PAVER
VINES			
	BOUGAINVILLEA 'SAN DIEGO RED' BOUGAINVILLEA	10'	1 GAL

### LANDSCAPE CALCULATIONS

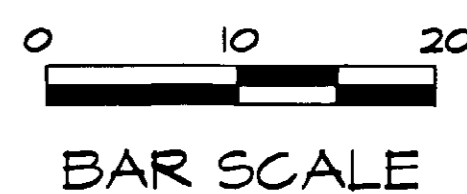
DESCRIPTION	AREA	%AGE
TOTAL SITE AREA	14,069 SF	
BUILDING FOOTPRINT	5,030 SF	35.8 %
SITE LANDSCAPE (TOTAL)	5,046 SF	36.2 %



SOLAR INFLUENCE



SCALE: 1" = 10'-0"



BAR SCALE



Proposed 5 Unit Condominium:

1865 Vulcan  
Encinitas, CA 92024

A.P.N.: 254-071-37-00

SHEET TITLE:

LANDSCAPE MASTER PLAN

PROJECT NO.:  
26-015

DATE:  
01-22-07

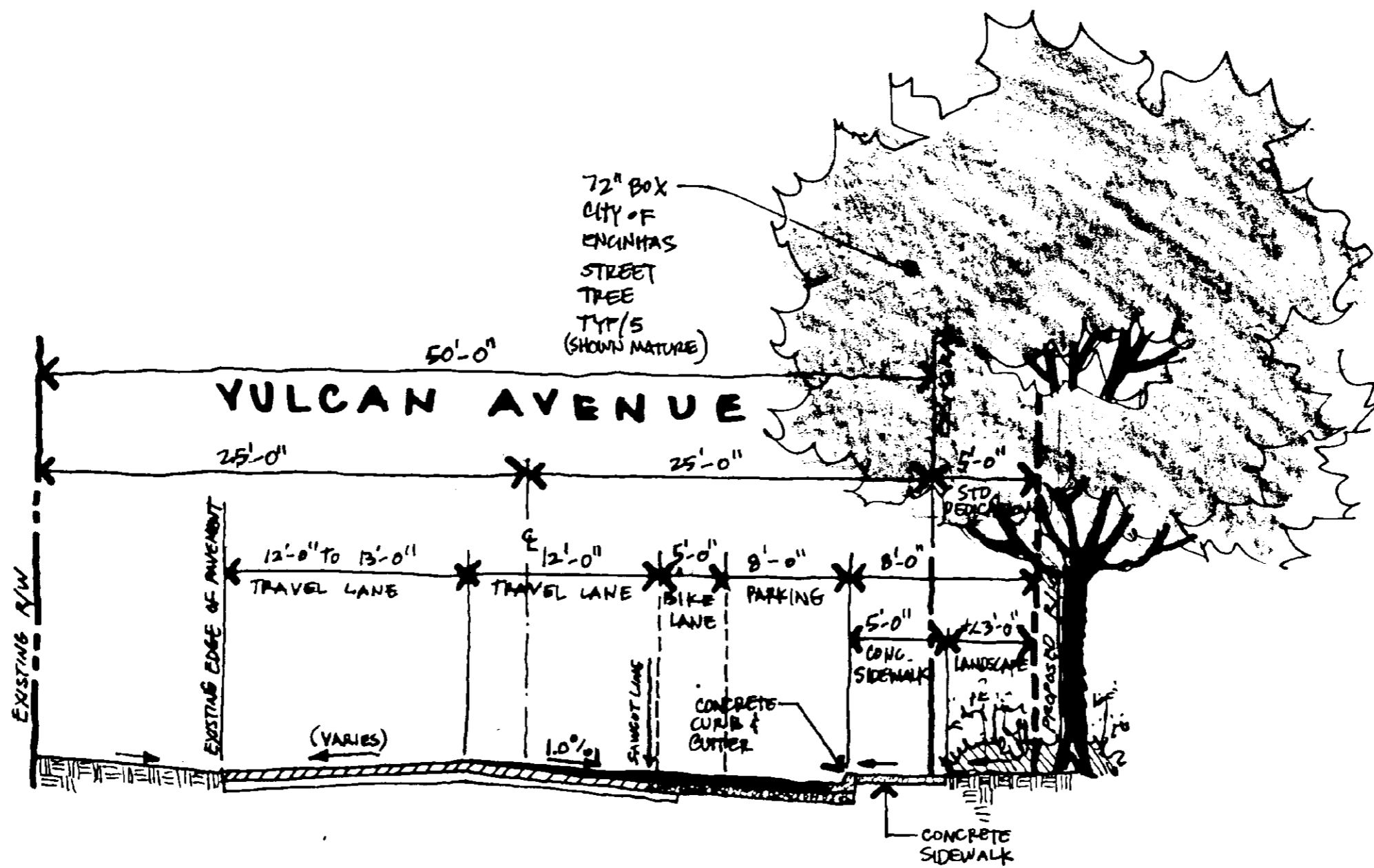
SHEET NO.:

L-1.0



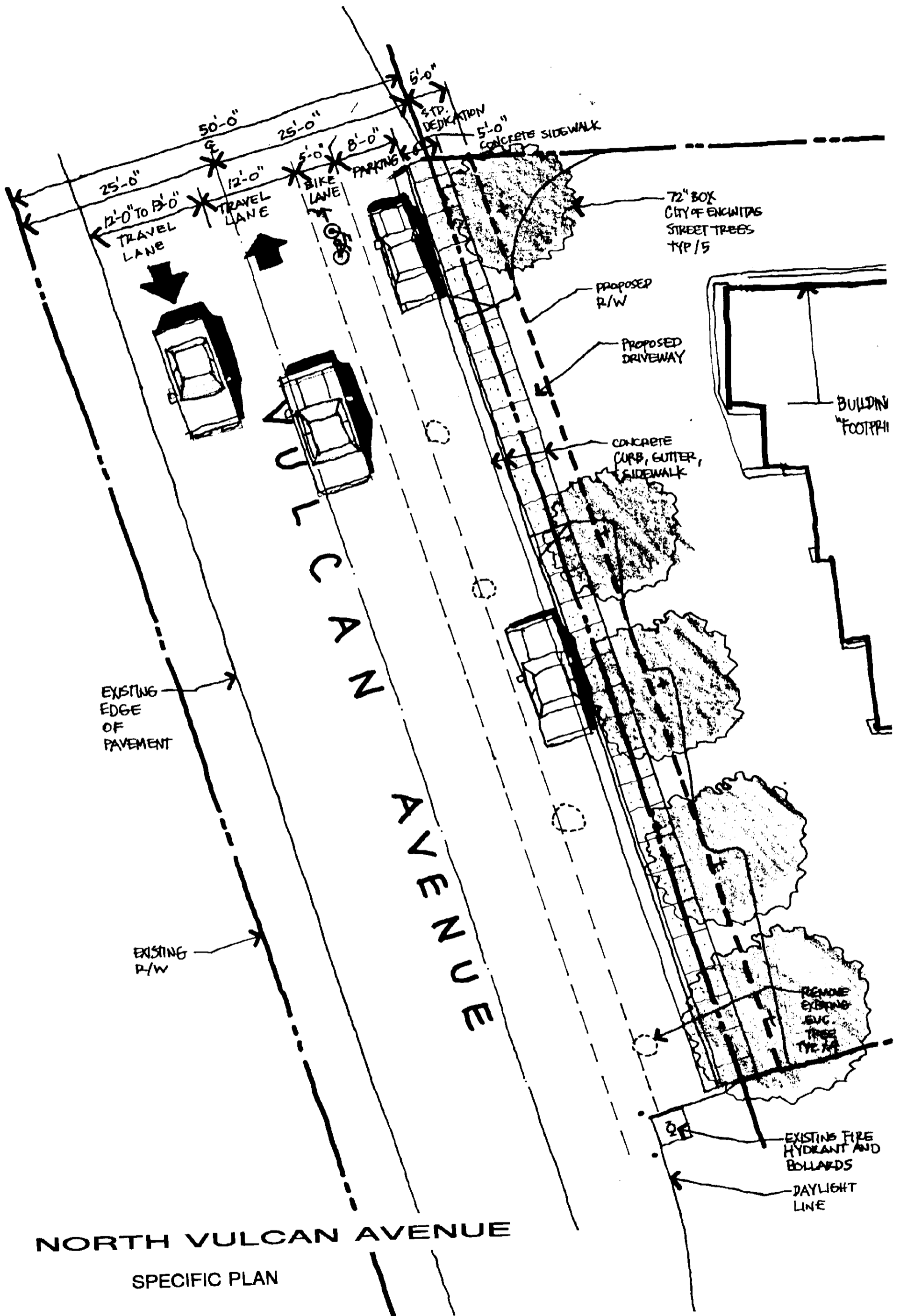
# **EXHIBIT CC-5**

## **Full Road Improvement Plan**



NORTH VULCAN AVE.  
STREET SECTION PER SPECIFIC PLAN

07-004 DR/MLCTP



# EASEMENT NOTES:

EXISTING ON-SITE EASEMENTS DEPICTED HEREON ARE PER A PRELIMINARY TITLE REPORT PREPARED BY FIRST AMERICAN TITLE COMPANY DATED MAY 9, 2006 AS ORDER NO. DV-2392263 (4).

1. STATEMENT ON MAP NO. 1802 STATING THAT CROSSINGS OF POLES OR OTHER SIMILAR STRUCTURES ALONG THE RIGHT OF WAY OF HIGHWAY OF LESS THAN 60 FEET IN WIDTH CAN OVERHANG THE ADJUTING PROPERTY.

2. AN SDCB EASEMENT FOR POLES, CROSS ARMS AND INCIDENTAL PURPOSES, RECORDED IN BOOK 1642, PAGE 17 OF DEEDS ON MAY 13, 1929.

## KEY NOTES:

1. PROPOSED WATER SERVICE
2. PROPOSED 4" SEWER LATERAL
3. PROPOSED PLANTER
4. PROPOSED FIRE PIT
5. PROPOSED GRASS PAVE DRIVEWAY & BMP AREA NOT TO BE MODIFIED W/ OUT CITY PERMISSION. (NOT A FIRE LANE)
6. DEMOLISH EXIST PLANTS / TREES

3. COVENANTS, CONDITIONS AND RESTRICTIONS AND EASEMENTS SET FORTH IN THE DOCUMENT RECORDED SEPTEMBER 19, 1930, AS BOOK 1822, PAGE 57 OF OFFICIAL RECORDS, BUT BEING THOSE DEFINED IN CALIFORNIA GOVERNMENT CODE 12855(9) IF THEY VIOLATE TITLE 42, SECTION 3604(C), OF THE UNITED STATES CODES. THESE INCLUDE THREE SPECIFICALLY NOTABLE RESTRICTIONS: A) A 20 FOOT FRONT YARD SETBACK, B) A RESTRICTION UPON THE TYPE OF STRUCTURE THAT MAY BE BUILT, AND C) A RESTRICTION THAT ONLY ONE RESIDENCE MAY BE BUILT ON EACH LOT. SAID DOCUMENT SHOULD BE THOROUGHLY REVIEWED PRIOR TO ANY PLANNING OR CONSTRUCTION. SOME OF SAID RIGHTS ARE NON-PLOTTABLE AND HAVE NOT BEEN DEPICTED HEREON.

4. A RIGHT OF WAY EASEMENT ACROSS SAID PREMISES FOR SEWER, GAS, MAINS, POLES AND WIRES, AND FOR INCIDENTAL PURPOSES, AS RESERVED BY DEED FROM ED FLETCHER AND MARY B. FLETCHER, HUSBAND AND WIFE, RECORDED SEPTEMBER 19, 1930, IN BOOK 1822, PAGE 57 OF OFFICIAL RECORDS. THE ROUTE THEREOF ACROSS SAID LAND IS NOT SET FORTH IN SAID DEED AND THEREFORE HAS NOT BEEN DEPICTED HEREON.

# TENTATIVE MAP FOR CONDOMINIUM PURPOSES

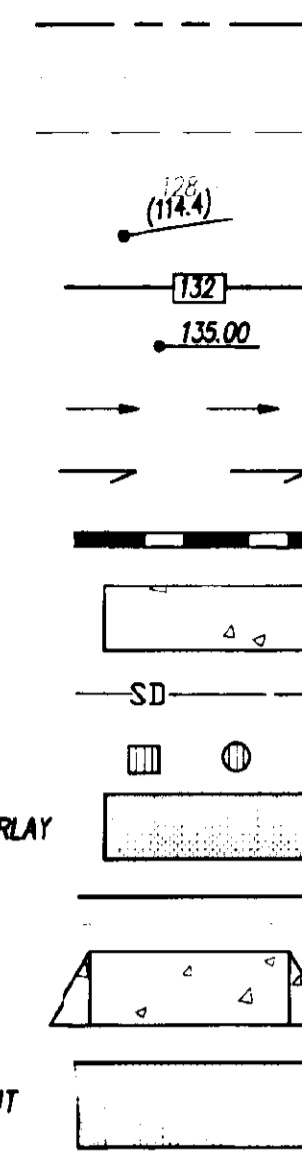
## ABBREVIATIONS:

FF = FINISH FLOOR  
FG = FINISH GRADE  
TW = TOP OF WALL  
TO = TOP OF GRADE  
IE = INVERT ELEVATION  
PVT = PRIVATE  
SD = STORM DRAIN  
HP = HIGH POINT  
CB = CATCH BASIN

## LEGEND

- PROPERTY BOUNDARY
- RIGHT-OF-WAY
- EASEMENT
- EXISTING CONTOUR
- EXISTING ELEVATION
- NEW CONTOUR
- NEW ELEVATION
- DIRECTION OF FLOW
- GRASS OR LANDSCAPED SWALE
- PROPOSED MASONRY RETAINING WALL
- PROPOSED CONCRETE HARDSCAPE
- PROPOSED PRIVATE STORM DRAIN
- PROPOSED PRIVATE CATCH BASIN
- AC PAVEMENT STREET WIDENING / OVERLAY
- CONCRETE CURB & GUTTER
- CONCRETE DRIVEWAY
- PROPOSED GRASS PAVE DRIVEWAY & BMP AREA NOT TO BE MODIFIED WITHOUT CITY PERMISSION

## SYMBOL



SHEET 1 OF 2

## OWNER'S CERTIFICATE

I HEREBY CERTIFY I AM THE RECORD OWNER OF THE PROPERTY SHOWN ON THE ATTACHED PARCEL MAP WAIVER PLAT AND THAT SAID PLAT SHOWS THE ENTIRE CONTIGUOUS OWNERSHIP. I UNDERSTAND THAT PROPERTY RIGHTS ARE SEVERED FROM THE PROPERTY BY THE PLAT, UTILITY EASEMENTS OR RAILROAD RIGHTS OF WAY. I HEREBY CONSENT TO THE FILING OF THIS PARCEL MAP WAIVER PLAT.

VULCAN OCEAN VIEW PROPERTIES, LLC  
SUBDIVIDER  
VULCAN OCEAN VIEW PROPERTIES, LLC  
C/O GND FLOOR  
25 JUNE COURT STE. 160  
CHICO, CA 95928  
(530) 864-4106

SITE ADDRESS  
1885 NORTH VULCAN AVENUE  
LEUCADIA, CA 92024

## LEGAL DESCRIPTION:

PORTION OF LOT 2 IN BLOCK "A" OF AVOCADO APARTMENTS, IN THE CITY OF ENCLINAS COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1802 FILED IN THE OFFICE OF COUNTY RECORDER OF SAID SAN DIEGO COUNTY, AUGUST 6, 1924.

ASSESSOR'S PARCEL NO.: 294-071-37

CALIFORNIA COORDINATES: 334-1871

LOT AREA:  
14,688 S.F. (0.337 AC) EXISTING GROSS  
14,065 S.F. (0.323 AC) PROPOSED NET

TOTAL LOTS:  
ONE (EXISTING AND PROPOSED)

PRESENT USE:  
2 EXISTING SINGLE FAMILY RESIDENCES

PROPOSED USE:  
THIS PROJECT IS A COMMON-INTEREST SUBDIVISION CONSISTING OF A FIVE (5) UNIT CONDOMINIUM PURSUANT TO SECTION 1351 OF THE CALIFORNIA CIVIL CODE.

PROPOSED DENSITY:  
15.3 DU/NET AC

GENERAL PLAN DESIGNATION:  
N-225 RESIDENTIAL 20.01 - 25 DU/AC (SP4)

PRESENT ZONING REGULATIONS: (ZONE N-225)  
DENSITY: 25.0 DU/AC MAX.  
MIN. NET LOT AREA: 20,000 S.F. NET

ACCESS:  
NORTH VULCAN AVENUE

## UTILITIES:

WATER: SAN DIEGO WATER DISTRICT  
SEWER: ENCLINAS FIRE DEPARTMENT  
SEWER: LEUCADIA WASTE WATER DISTRICT  
ELEMENTARY SCHOOL: ENCLINAS UNION SCHOOL DISTRICT  
HIGH SCHOOL: SAN DIEGO UNION HIGH SCHOOL DISTRICT

## SOLAR STATEMENT:

THIS IS A SOLAR SUBDIVISION AS REQUIRED BY THE SUBDIVISION ORDINANCE. ALL PARCELS TO HAVE AT LEAST 100 S.F. OF UNOBSTRUCTED ACCESS TO SUNLIGHT ON THE BUILDABLE PORTION OF THE PARCEL.

## TOPOGRAPHY:

THE EXISTING TOPOGRAPHY AND PROPERTY BOUNDARY SHOWN ON THIS PLAN IS FROM A FIELD SURVEY PERFORMED BY COASTAL LAND SOLUTIONS, INC. ON 12/03/2006.

## SLOPE ANALYSIS:

THE ENTIRE SITE IS LESS THAN 25% SLOPE

GRADING:  
CUT: 310 C.Y.  
FILL: 10 C.Y.  
EXPORT: 300 C.Y.

DATE OF PREPARATION:  
JANUARY 10, 2007

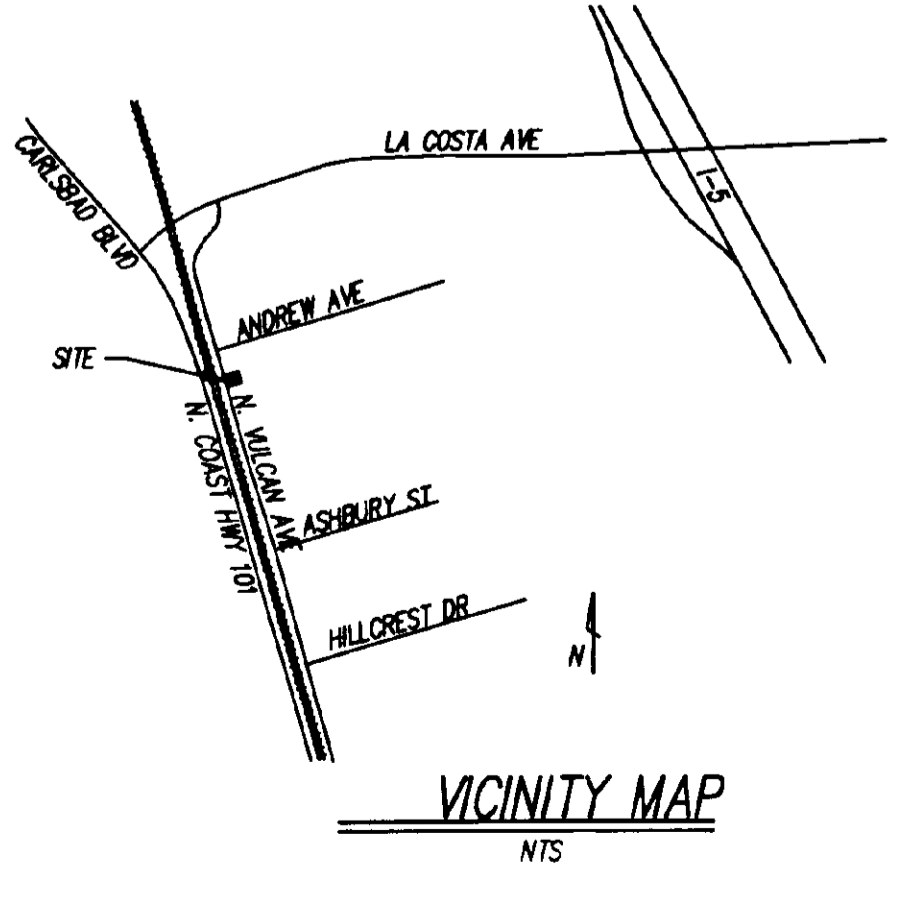
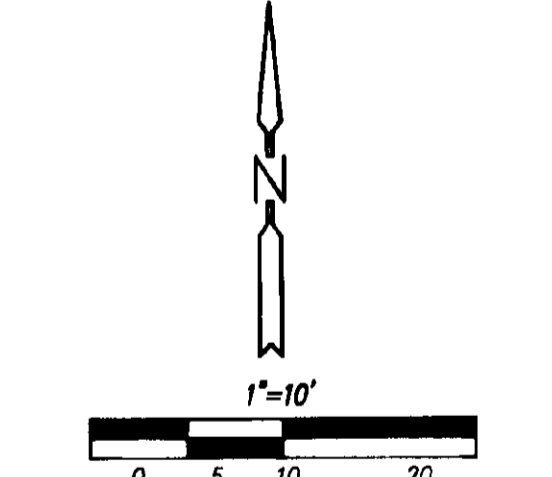
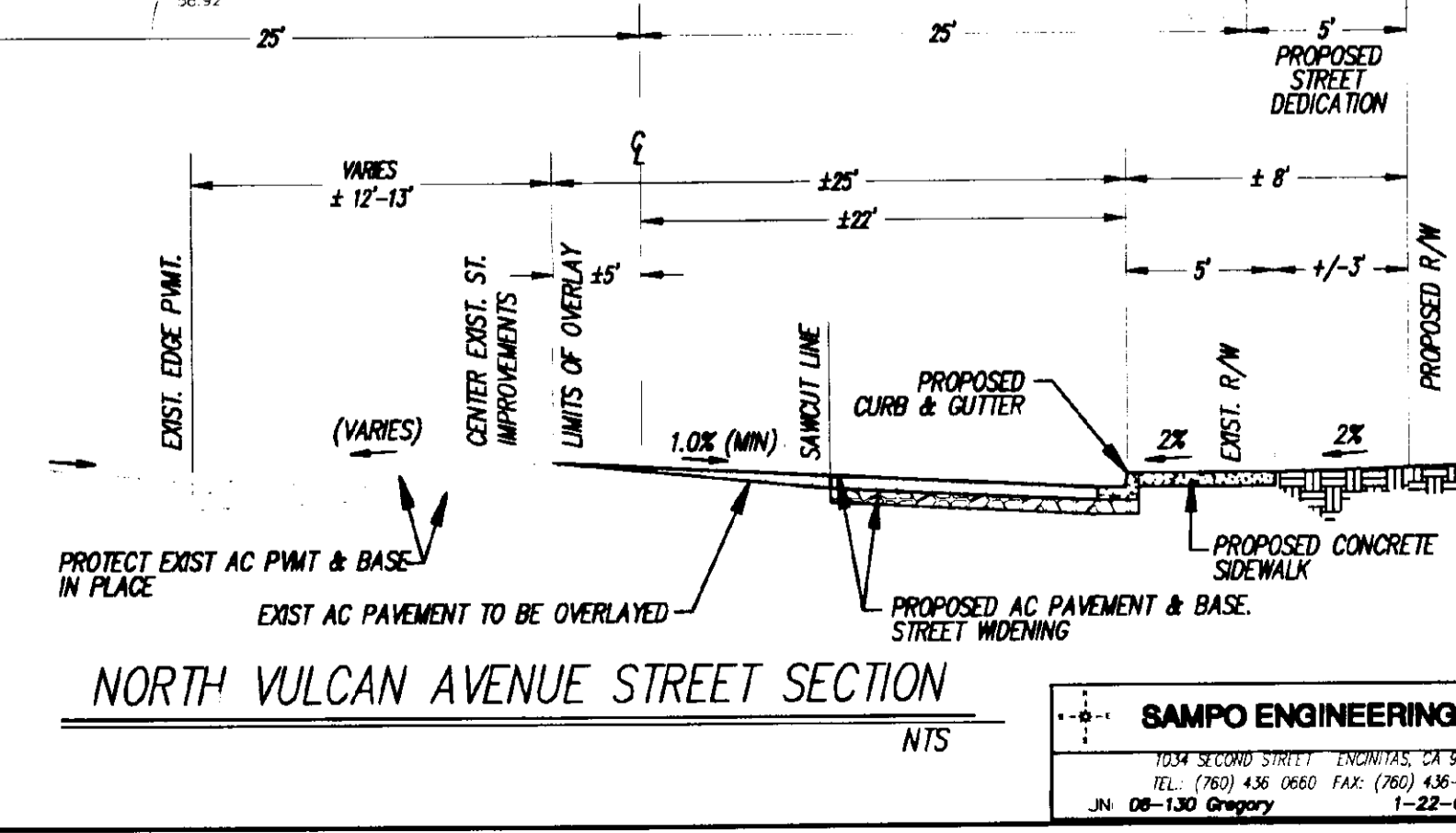
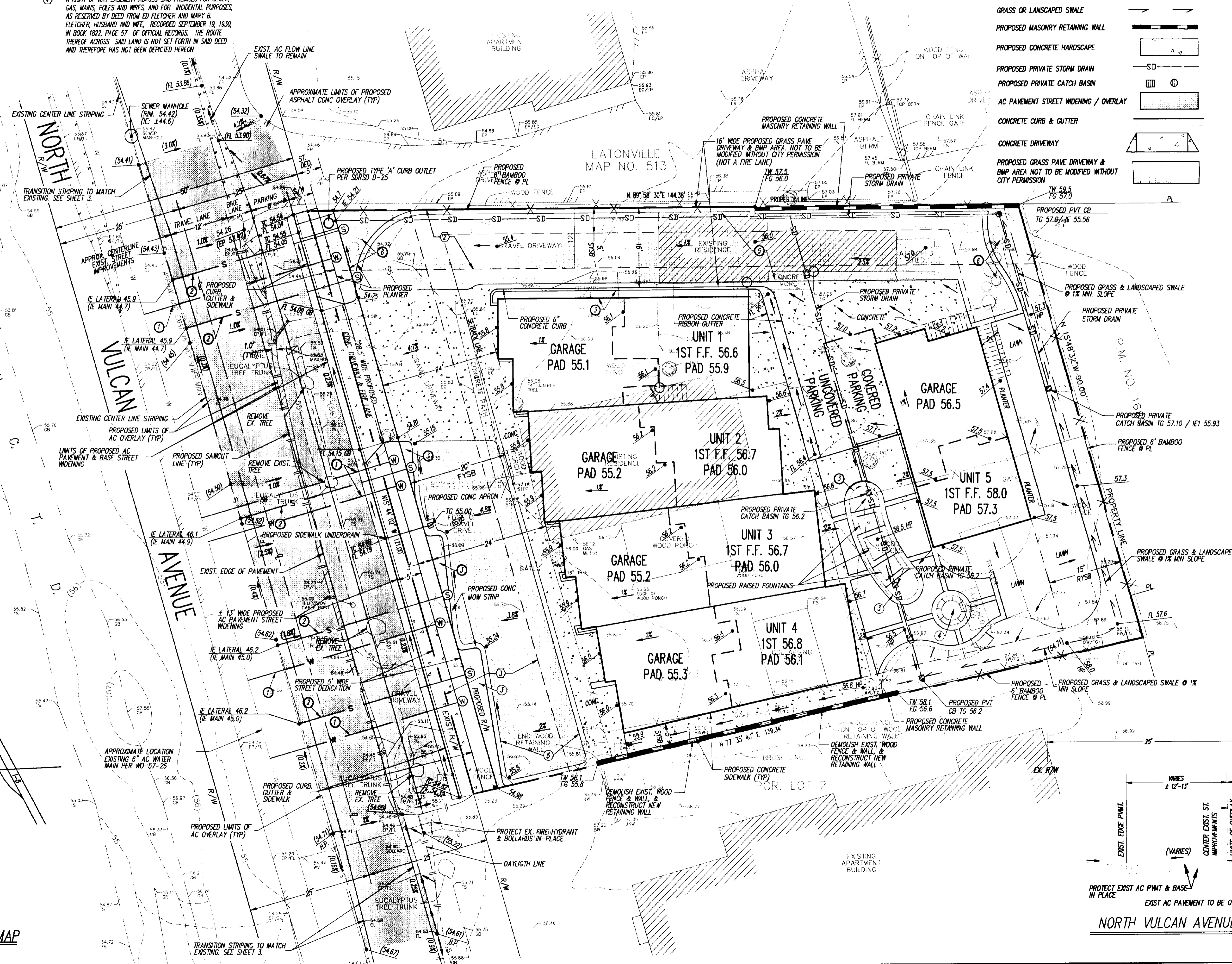
PLAT PREPARED BY:  
SAMPO ENGINEERING, INC.  
1034 SECOND STREET, ENCLINAS, CA 92024  
(760) 436-0650

VINCENT L. SAMPO, LS 7655

## SUBDIVIDER'S CERTIFICATE

I, THE SUBDIVIDER, AGREE TO DEFEND, INDEMNIFY, AND HOLD HARMLESS THE CITY OF ENCLINAS AND ITS AGENTS, OFFICERS, AND EMPLOYEES FROM ANY CLAIM, ACTION, OR PROCEEDING AGAINST THE CITY OF ENCLINAS OR ITS AGENTS, OFFICERS, OR EMPLOYEES TO ATTACK, SET ASIDE, VOID, OR ANNULL AN APPROVAL FROM THE CITY OF ENCLINAS CONCERNING THE SUBDIVISION WHEN SUCH ACTION IS BROUGHT WITHIN THE TIME PERIOD SPECIFIED IN GOVERNMENT CODE SECTION 66459.17. THIS CERTIFICATE IS CONDITIONED UPON THE CITY OF ENCLINAS PROVIDING PROMPT NOTICE TO THE SUBDIVIDER AS PROVIDED FOR BY THE ACT. (GOVERNMENT CODE 66474.9)

VULCAN OCEAN VIEW PROPERTIES, LLC

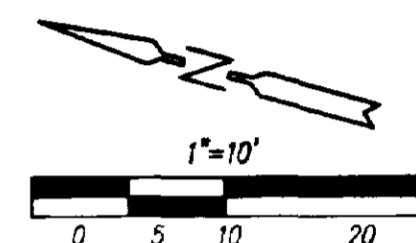
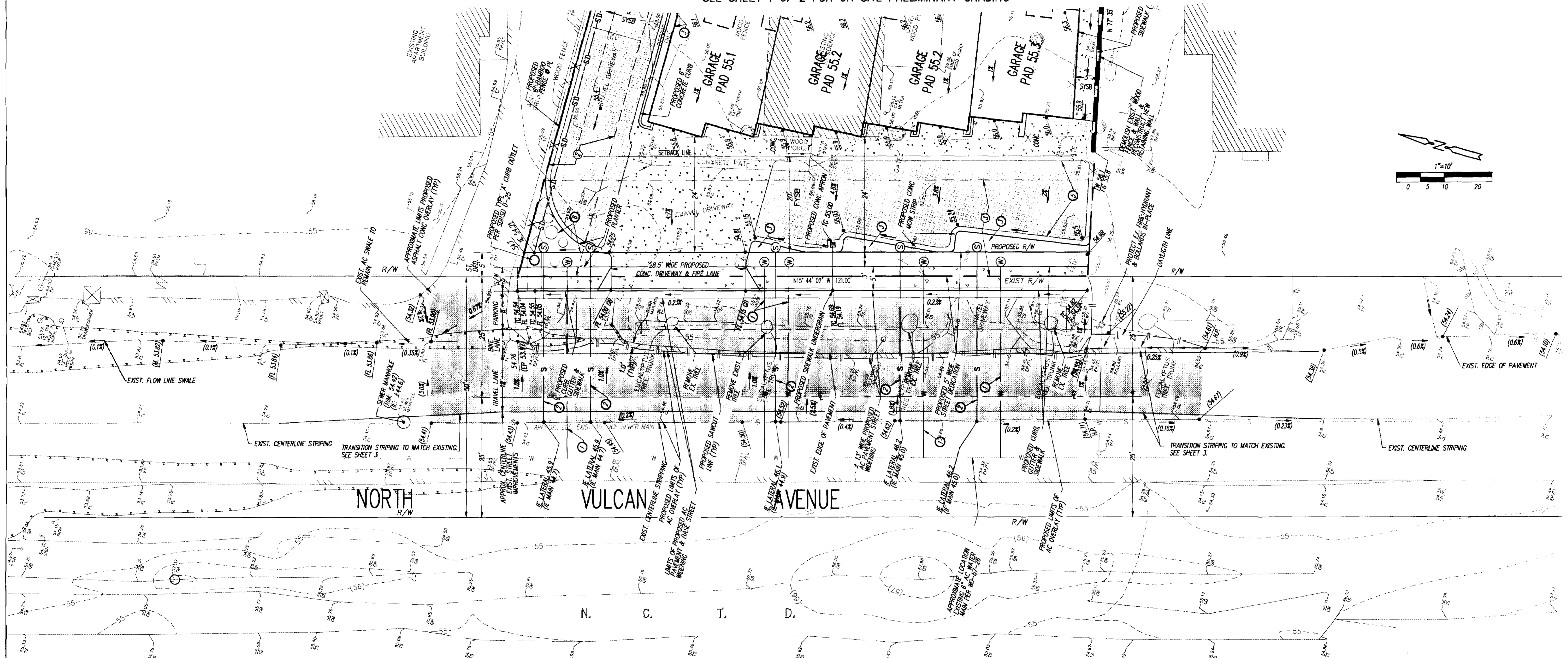


07-004 08/11/07

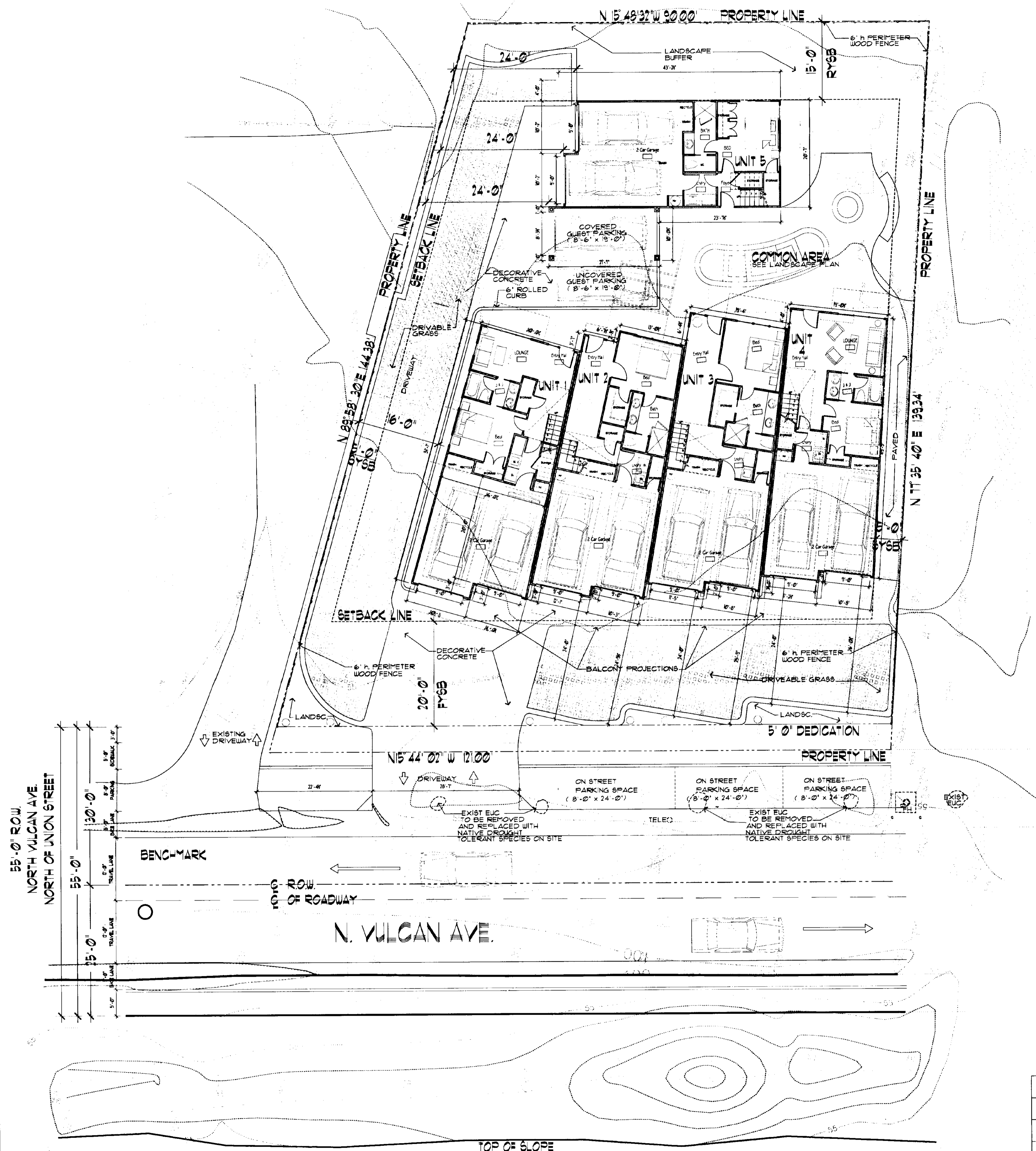
# TENTATIVE MAP FOR CONDOMINIUM PURPOSES

SHEET 2 OF 2

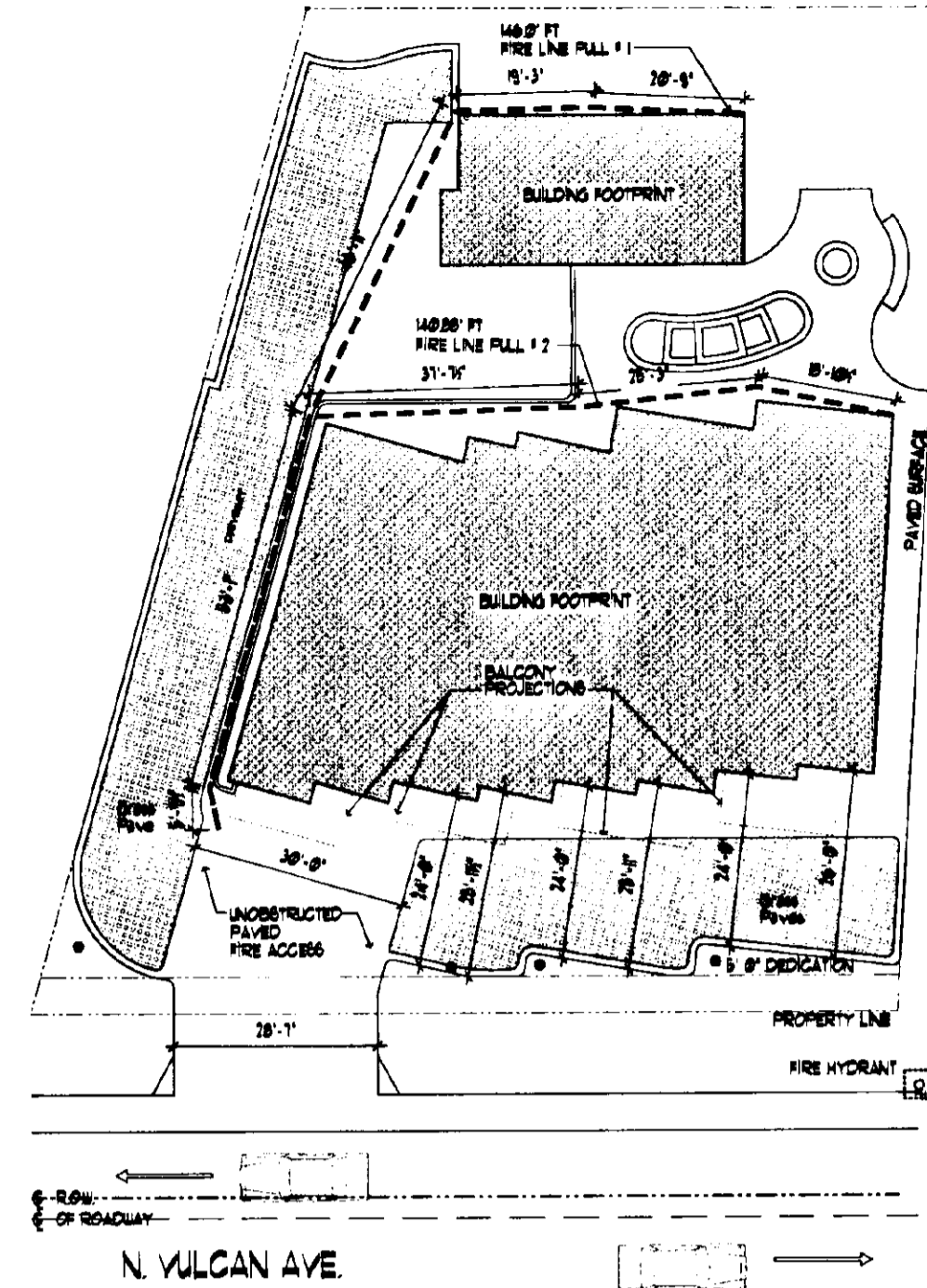
SEE SHEET 1 OF 2 FOR ON SITE PRELIMINARY GRADING



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SITE PLAN/ FIRST FLOOR PLAN  
SCALE: 1/8" = 1'-0"



FIRE ACCESS DIAGRAM  
SCALE: 1" = 10'

PARKING STANDARDS

- 25 SPACES/ UNIT FOR GUEST PARKING
- 2.5 SPACES/ UNIT FOR 3 OR MORE BEDROOM UNITS
- 2.0 SPACES/ UNIT FOR 2 BEDROOM UNITS
- UNIT 1 = 2BD=2.0 SPACES
- UNIT 2 = 2BD=2.0 SPACES
- UNIT 3 = 2BD=2.0 SPACES
- UNIT 4 = 2BD=2.0 SPACES
- UNIT 5 = 3BD=2.5 SPACES
- =10.5 SPACES
- GUEST 25XS = 1.25 SPACES
- =11.75 SPACES

12 SPACES TOTAL REQUIRED

DEVELOPMENT REGULATIONS/DATA  
VULCAN OCEAN VIEW PROPERTIES, LLC  
1865 VULCAN AVE

ZONE: RESIDENTIAL 25-NR25  
LOT AREA: 14,677.54 S.F. = 0.337 ACRE  
NET AREA: 14,065 S.F.  
LOT WIDTH: 105.5'  
LOT DEPTH: 139.42'  
MAX. LOT COVERAGE: 40% (GROSS ACREAGE)  
LOT COVERAGE: 5,608.40 S.F./ 14,065 S.F. = 39.87%  
DENSITY (MID RANGE): 22.5 UNITS PER ACRE  
DENSITY CALCULATION: (14,065/43,560) X 22.5 Du/Acre = 7.26 = 7 UNITS  
PROPOSED UNITS: 5 UNITS  
SETBACKS: FRONT=20'  
SETBACKS: REAR=15'  
SETBACKS: SIDE=5'

AREA RESUME (SQ. FT.)

	FIRST FLOOR		SECOND FLOOR		THIRD FLOOR		TOTAL AREA	UNOCCUP. ROOF DECK	GARAGE
	AREA	BALCONY	AREA	BALCONY	AREA	BALCONY			
UNIT # 1	569.87	—	955.69	144.6	424.7	47.33	1950.26	132.66	481.7
UNIT # 2	557.4	—	956.74	145.3	419.7	50.34	1933.84	107.69	466.8
UNIT # 3	600.2	—	973.23	186.2	411.8	60.65	1985.23	111.27	453.9
UNIT # 4	575.7	—	940.4	145.24	395.44	50.34	1911.54	121.25	452.0
UNIT # 5	393.6	—	991.3	111.5	470.0	28.49	1938.9	102.66	451.0
TOTAL SQ. FT.							9,719.77		

architecture  
175 La Costa Ave.  
Encinitas, CA 92024  
PH: 760.943.1177  
FX: 760.944.1177

REGISTERED ARCHITECT  
NATION BRIMMER  
NO. 028618  
EXPI. 12.31.07  
STATE OF CALIFORNIA

REVISIONS:

ITEM	DATE	DESCRIPTION
△	10/10/06	SAC Meeting
△	01/22/07	TRACD/PR APPLICATION SUBM.
△	05/21/07	SUBMITTAL # 2
△	10/18/2007	SUBMITTAL # 3
△		
△		

PROJECT/CLIENT:

Proposed 5 Unit Condominium:  
VULCAN OCEAN VIEW PROPERTIES, LLC  
1865 Vulcan  
Encinitas, CA 92024

A.P.N.: 254-071-37-00  
SHEET TITLE:  
First Floor Plan/  
Site Plan  
PROJECT NO.:  
26-015  
DATE:  
07-03-06  
SHEET NO.:

A-2.01



*MINUTES OF THE ENCINITAS CITY COUNCIL REGULAR MEETING  
JULY 16, 2008, 6:00 P.M., 505 SOUTH VULCAN AVENUE*

**CALL TO ORDER/ROLL CALL**

Mayor Stocks called the meeting to order at 6:00 P.M.

Present: Mayor Jerome Stocks, Council Members Teresa Barth, James Bond, Dan Dalager, and Maggie Houlihan.

Absent: None.

Also Present: City Manager Cotton, City Attorney Sabine, Parks & Recreation Director Hazeltine, Fire Marshal Scott, Associate Planner Sapau', Building & Planning Director Murphy, Human Resource Manager Beckord, City Clerk Cervone, and Deputy City Clerk Bingham.

There being a quorum present, the meeting was in order.

**PLEDGE OF ALLEGIANCE**

**SPECIAL PRESENTATIONS/PROCLAMATIONS**

***Parks and Recreation Month***

Mayor Stocks presented a proclamation to Parks & Recreation Commissioner Doug Goad, Senior Commissioner Lee Vance, and Youth Commissioner David Feltzer.

***SANDAG TransNet update by Gary Gallegos, SANDAG Executive Director***

Charles "Muggs" Stoll and Gary Gallegos, representing SANDAG, presented a brief powerpoint presentation on TransNet, the first 20 years.

Council Member Houlihan requested SANDAG return to a future City Council meeting to discuss the Grand Jury report.

***Presentation of 2008/09 Landscape Maintenance Cost Breakdown for  
Encinitas Lighting and Landscape Districts***

Parks & Recreation Director Hazeltine presented a brief report on the miscellaneous contract fees.

## **ORAL COMMUNICATIONS**

George Hejduk spoke of his concerns regarding the 2% Sand Tax Ballot Measure scheduled for the November 2008 Election.

Chris Carbonel expressed his concerns regarding Mobile Home Park loans.

Dody Tucker requested Council agendize the issue regarding outdoor restaurant dining in downtown Encinitas.

**There was Council Consensus to agendize the issue regarding outdoor restaurant dining in downtown Encinitas.**

Brad Maassen invited all to attend the "Dog Days of Summer" on Saturday, August 9<sup>th</sup>.

Keith Shillington stated that he had concerns with the number of duplicate mailings he had received from the City recently regarding a public notice item.

## **CHANGES TO THE AGENDA**

Items #1, 3, 4, & 5 were removed from the Consent Calendar by a member of the public.

## **CLOSING AND ADOPTION OF THE CONSENT CALENDAR**

### **ACTION:**

Barth moved, Houlihan seconded to close and adopt the amended Consent Calendar. Motion carried. Ayes: Barth, Bond, Dalager, Houlihan, Stocks. Nays: None.

2. **Approval of 7-16-08 Warrants List. Contact Person: Finance Manager Hill.**

**STAFF RECOMMENDATION: Approve Warrants.**

6. **Introduction of City of Encinitas Ordinance 2008-17, approving a special reimbursement connection fee and authorizing execution of a reimbursement agreement on behalf of Richard and Doriana Sinnett. Contact Person: Management Analyst Darling.**

**STAFF RECOMMENDATION: 1) Approve the reimbursement agreement as proposed by Cardiff Sanitary Division staff and authorize execution by the director of Engineering Services; and 2) Approve the introduction of City of Encinitas Ordinance No. 2008-17, adding Section 18.12.461 to Cardiff Sanitary Division Code Chapter 18.12 to provide for reimbursement of connection fees to Richard and Doriana Sinnett.**

7. Authorize the City Manager to enter into an agreement with CDW-G for the implementation of a data storage and recovery system with redundant failover in an amount not to exceed \$ 62,000, and implement a disaster recovery site in an amount not to exceed \$8,000. Contact Person: IT Project Manager Salmon.

STAFF RECOMMENDATION: Authorize the City Manager to enter into a contract with CDW-G in an amount not to exceed \$62,000 and authorize the implementation of a disaster recovery site in an amount not to exceed \$8,000.

8. Consideration of a City Council finding that the conditions of approval for Case Numbers 05-007 TPM/DR/CDP and 06-201 CDP relative to requiring utility undergrounding have been substantially satisfied. APPLICANT: Harry and Sondra Petersen; LOCATION: 1072 Urania (APN 254-363-04). Contact Person: Director of Engineering Services Cota-Robles & Senior Engineer Maher.

STAFF RECOMMENDATION: Find that the conditions of approval for Case Numbers 05-007 TPM/DR/CDP and 06-201 CDP relative to requiring utility undergrounding have been substantially satisfied as described in this report (undergrounding of utilities along the southerly property line will continue to be required prior to occupancy as per the original project conditions).

## CONSENT CALENDAR ITEMS REMOVED BY THE PUBLIC

1. Approve 6-25-08 Regular Meeting Minutes. Contact Person: City Clerk Cervone.

STAFF RECOMMENDATION: Approve Minutes.

Lynn Braun Marr addressed Council on Item #1.

City Clerk Cervone stated that on Page 5, Item #7, the incorrect date of July 3<sup>rd</sup> was changed to the correct date of July 30<sup>th</sup>.

## ACTION:

Bond moved, Dalager seconded to approve the corrected 6/25/08 minutes. Motion carried.  
Ayes: Barth, Bond, Dalager, Houlihan, Stocks. Nays: None.

3. Approval of Annual Weed Abatement Lien List for property owners who have not paid for removal of hazardous weeds and authorize Fire Prevention Bureau to transmit list to the County of San Diego. Contact Person: Fire Marshal Scott.

STAFF RECOMMENDATION: Approve the annual weed abatement lien list and authorize the Fire Prevention Bureau to deliver the list to the County of San Diego.

Fire Marshal Scott stated that each year the City notified property owners to remove hazardous weeds on their property. The majority of the property owners complied within the time allowed, however, some properties had to be cleared by Fire Prevention Services Inc. These homeowners were assessed by the County for direct costs of clearing on their property tax bill.

Lynn Braun Marr spoke.

### **ACTION:**

Bond moved, Houlihan seconded to approved the annual weed abatement lien list and authorize the Fire Prevention Bureau to transmit the list to the County of San Diego. Motion carried. Ayes: Barth, Bond, Dalager, Houlihan, Stocks. Nays: None.

4. **Adopt Resolution 2008-45 to certify and adopt the Final Initial Study/Mitigated Negative Declaration for the Sand Compatibility and Opportunistic Use Program (SCOUP). Contact Person: Katherine Weldon.**

**STAFF RECOMMENDATION:** Staff recommends that the City Council adopt Resolution 2008-45:

1. Certifying the SCOUP Final Initial Study/Mitigated Negative Declaration.
2. Adopting the SCOUP project components.

No staff report was given.

Lynn Braun Marr addressed Council on Item #4.

### **ACTION:**

Dalager moved, Bond seconded to adopt Resolution 2008-45, certifying the SCOUP Final Initial Study/Mitigated Negative Declaration and adopt the SCOUP project components. Motion carried. Ayes: Barth, Bond, Dalager, Houlihan, Stocks. Nays: None.

5. **Adoption of Resolution 2008-48 reciting the facts of the Special Municipal Election held on June 3, 2008, declaring the result of the voter approved Ordinance 2008-04 amending Municipal Code Section 3.12 changing the definition of "Hotel" to include short-term vacation rentals requiring guests staying in vacation rentals to pay 8% Transient Occupancy Tax effective January, 2009. Contact Person: City Clerk Cervone.**

**STAFF RECOMMENDATION:** Adopt Resolution 2008-48 declaring the results of Propositions F and G held June 3, 2008.

No staff report was given.

Lynn Braun Marr spoke on Item #5.

**ACTION:**

Dalager moved, Houlihan seconded to adopt Resolution 2008-48, declaring the results of Propositions F and G. Motion carried. Ayes: Barth, Bond, Dalager, Houlihan, Stocks. Nays: None.

**REGULAR AGENDA ITEMS -- Items 9 through 11**

9. **Council determination to authorize modifications to the North 101 Corridor Specific Plan Road Standards for North Vulcan Avenue by implementing an interim street improvement plan in conjunction with the Vulcan Ocean View Properties, LLC 5-unit condominium development. The subject property is located at 1865 N. Vulcan Avenue and in the Residential 25 (N-R25) zone of the North 101 Corridor Specific Plan and the Coastal Zone of the City of Encinitas. CASE NUMBER: 07-004 DR/TM/CDP; APPLICANT: Vulcan Ocean View Properties, LLC; LOCATION: 1865 N. Vulcan Avenue (APN: 254-030-30). Contact Person: Associate Planner Sapa'u.**

Associate Planner Sapa'u stated that the Planning Commission had recommended as part of the development of a 5-unit three-story condominium project, an interim street improvement plan be implemented in order to preserve the eucalyptus trees until such time as replacement trees had the ability to mature.

Staff recommendation was to consider the facts and findings necessary to make a decision on the recommendation and authorize modifications to the North 101 Corridor Specific Plan road standards for North Vulcan Avenue by implementing the interim street improvement plan for Case No. 07-004 DR/TM/CDP.

**ACTION:**

Houlihan moved, Bond seconded to authorize road modifications by implementing the interim street improvement plan to preserve existing Eucalyptus trees in conjunction with the Vulcan Ocean View Properties, LLC 5-unit condominium development as recommended by the Planning Commission. Motion carried. Ayes: Barth, Bond, Dalager, Houlihan. Nays: Stocks.

Mayor Stocks declared a recess from 8:00 P.M. to 8:12 P.M.

10. **Public Hearing and consideration of Resolution 2008-44 approving solid waste collection service rates for Fiscal Year 2008/09. Contact Person: Public Works Analyst Wilson.**

No staff report was given.

Staff recommendation was to adopt Resolution 2008-44.

Mayor Stocks opened the Public Hearing.

Since there were no public speakers, Mayor Stocks closed the Public Hearing.

## **ACTION:**

**Bond moved, Houlihan seconded to adopt Resolution 2008-44, approving the Solid Waste Collection Service Rates for Fiscal Year 2008/09. Motion carried. Ayes: Barth, Bond, Dalager, Houlihan, Stocks.**

11. **Discussion to determine which Council Policies should be put before the Council subcommittee for consideration of updating. Council Policies proposed for updating by the Council subcommittee will be brought before the full Council for adoption at a future meeting. Contact Person: City Clerk Cervone and Human Resource Manager Beckord.**

Human Resources Director Beckord stated that in April, 2008, Council appointed a subcommittee consisting of Mayor Stocks and Deputy Mayor Houlihan to return to Council with recommendations for updating the City's administrative policies. Mr. Beckford stated that the purpose of this agenda item was to provide an opportunity for all City Council members to identify administrative policies of interest for consideration by the Council subcommittee.

Staff recommendation was to discuss which Council Policies may be of priority interest for consideration by the Council subcommittee.

Lynn Braun Marr addressed Council on Item #11.

Council Member Barth requested the following:

- Address electronic technology when writing new policies.
- Review policies that conflict with other policies or resolutions.
- Possibility of creating a new Mission Statement
- Recognition of Committees.
- Compliance with Public Records Act, Brown Act & records retention.
- Policy for relationship between Council and Staff
- Possible use of NCTD policy workbooks for examples
- Review policies every two years.

Council Member Bond requested the following:

- Policy on selection of Mayor/Deputy Mayor.
- Review Mission Statement.
- Policy for Council interaction with Staff.

Council Member Dalager requested the following:

- Keep as policies not procedures.

- Remove unnecessary policies.
- Keep the policies simple.

Council Member Houlihan requested the following:

- Interim updates on policies.
- Policy/procedures for electronic technology for commissions.
- Portrait policy.
- Sister City gift policies.
- Policy on Proclamations.
- Policy on selection of Mayor and review of Mayor's role.

Mayor Stocks thanked Council for their recommendations and stated that the subcommittee would return at a later date with proposed policies for adoption.

**REPORTS FROM CITY COUNCIL MEMBERS /**  
**REPRESENTATIVES OF REGIONAL BOARDS / CITY**  
**ATTORNEY/CITY MANAGER**

Council Member Barth stated that she had recently attended the San Elijo JPA meeting, in addition, she attended a joint subcommittee of the Olivenhain Water District and SDWD to discuss proposed water conservation ordinances.

Council Member Dalager announced that he had recently attended an Encina Wastewater Authority meeting.

Council Member Houlihan stated that she had recently attended a San Elijo JPA meeting.

Council Member Houlihan noted that EDCO had a service for picking up hazardous materials curbside for a fee of \$10.00 for residents and no cost for senior citizens and persons with disabilities.

Mayor Stocks stated that he had recently attended a SANDAG meeting as well as an NCTD meeting.

Mayor Stocks announced that as of August 9<sup>th</sup>, 2008, NCTD had eliminated the Saturday only run for Bus 365.

City Manager Cotton updated Council on the effects of higher costs of fuel regarding City vehicles. Mr. Cotton stated that staff was evaluating the amount of vehicles the City owned, the possibility of converting trucks from diesel to bio fuels, the possibility of purchasing fuel at the Encinitas Sheriff's substation and reevaluating duty vehicles that are taken home each night.

City Attorney Sabine announced that regarding the Closed Session agenda, Item #3 was removed from the agenda due to no new information available on this litigation.

In reference to Item #1, City Council unanimously directed special counsel to pursue the City's rights in recovering damages related to failed drainage facilities along Lone Jack Road.

With respect to Item #2, City Council unanimously directed City Attorney and Risk Manager to move forward in settlement negotiations related to the Goss works compensation claim.


### **ORAL COMMUNICATIONS – CONTINUED**

Lynn Braun Marr requested Council give more time for Oral Communications at the beginning of each meeting and also stated her concerns with public transportation cutbacks in the City.

Russell Marr spoke of his concerns regarding his litigation with the City.

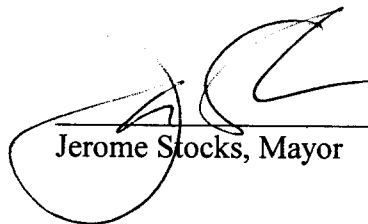
### **ADJOURNMENT**

Mayor Stocks declared the meeting adjourned at 9:00 P.M.



Deborah Cervone, City Clerk

By: Claudia Bingham,  
Deputy City Clerk



Jerome Stocks, Mayor

**RESOLUTION NO. PC 2008-13**

**A RESOLUTION OF THE CITY OF ENCINITAS PLANNING COMMISSION  
APPROVING A DESIGN REVIEW PERMIT, TENTATIVE MAP AND COASTAL  
DEVELOPMENT PERMIT FOR THE DEMOLITION OF TWO (2) EXISTING  
RESIDENTIAL STRUCTURES AND FOR THE CONSTRUCTION OF A FIVE (5) UNIT  
ATTACHED CONDOMINIUM RESIDENTIAL DEVELOPMENT, FOR THE  
PROPERTY LOCATED AT 1865 N. VULCAN AVENUE**

**(CASE NO. 07-004 DR/TM/CDP; APN: 254-071-37)**

**WHEREAS**, a request for consideration of a Design Review Permit, Tentative Map and Coastal Development Permit was filed by Kyron Brimmer on behalf of Vulcan Ocean View Properties, LLC to allow for the demolition of two (2) existing residential structures and to construct a five (5)-unit attached residential development to be subdivided to permit condominium ownership of airspace in the form of five (5) dwelling units with an undivided interest in common elements in accordance with Chapters 23.08 (Design Review) and 30.80 (Coastal Development Permit) of the City of Encinitas Municipal Code and Section 66474 of the Subdivision Map Act (Tentative Map), for the property located in the the Residential 25 zone (N-R25) of the North 101 Corridor Specific Plan Area and within the Coastal Zone of the City of Encinitas, legally described as:

PORTIONS OF LOT 2, BLOCK "A" OF AVOCADO ACRES NO. 2, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1802, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, AUGUST 5, 1924, FURTHER DESCRIBED IN EXHIBIT "A" OF DOCUMENT #2007-0451239 FILED IN THE SAN DIEGO COUNTY RECORDER'S OFFICE JULY 5, 2007.

**WHEREAS**, the Planning Commission conducted noticed public hearings on the application on February 21, 2008 and April 3, 2008, at which time all those desiring to be heard were heard; and

**WHEREAS**, the Planning Commission considered, without limitation:

1. The February 21, 2008 and April 3, 2008 agenda reports to the Planning Commission with attachments;
2. The General Plan, Local Coastal Program, Municipal Code, North 101 Corridor Specific Plan, and associated Land Use Maps;
3. Oral evidence submitted at the hearings;
4. Written evidence submitted at the hearings;
5. Project drawings consisting of six (6) sheets, including First Floor Plan/Site Plan, Second Floor Plan, Third Floor Plan, Exterior Elevations and Sections, Roof Plan,

and Landscape Plan; and Tentative Map and Grading Improvement Plans consisting of two (2) sheets; all dated received by the City of Encinitas on March 5, 2008; and

**WHEREAS**, the Planning Commission made the following findings pursuant to Section 66474 of the Subdivision Map Act, Sections 23.08.080 (Design Review) and 30.80.090 (Coastal Development Permits) of the Encinitas Municipal Code:

(SEE ATTACHMENT "A")

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission of the City of Encinitas hereby approves application 07-004 DR/TM/CDP subject to the following conditions:

(SEE ATTACHMENT "B")

**BE IT FURTHER RESOLVED** that the Planning Commission, in its independent judgment, finds that this project is categorically exempt from environmental review pursuant to Sections 15301(l)(1) and 15332 of the California Environmental Quality Act (CEQA) Guidelines.

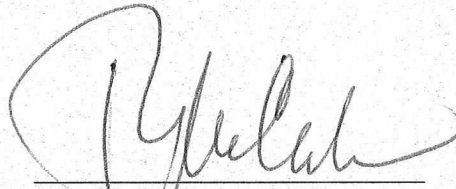
**PASSED AND ADOPTED** this 3<sup>rd</sup> day of April, 2008, by the following vote, to wit:

AYES: Chapo, Felker, Van Slyke, McCabe


NAYS: None

ABSENT: Steyaert

ABSTAIN: None

  
Tom McCabe, Chair of the  
Encinitas Planning Commission

ATTEST:

  
Patrick Murphy  
Secretary

**NOTE:** This action is subject to Chapter 1.04 of the Municipal Code, which specifies time limits for legal challenges.

**ATTACHMENT "A"**  
**Resolution No. PC 2008-13**  
**Case No. 07-004 DR/TM/CDP**

**FINDINGS FOR DESIGN REVIEW**

**STANDARD:** Section 23.08.080 of the Encinitas Municipal Code provides that an application for a design review permit must be granted unless, based upon the information presented in the application and during the Public Hearing, the authorized agency makes any of the following regulatory conclusions:

- a. The project design is inconsistent with the General Plan, North 101 Corridor Specific Plan, or the provisions of the Municipal Code.

**Facts:** The application requests a Design Review Permit, Tentative Map and Coastal Development Permit for a common-interest subdivision for a five (5)-unit development in conformance with the N-R25 zoning designation standards within the Leucadia Community area. The subject site consists of a gross 14,677 square-foot substandard legal lot (the standard lot area for the N-R25 zone is 20,000 sq. ft.) with 105.5 feet in width and 139.42 feet in depth. The site contains two (2) existing single-story vacant residential structures proposed to be removed. Vegetation consists of various shrubs, turf ground covers and four (4) significantly mature eucalyptus trees along the street frontage of the property.

**Discussion:** The N-R25 zone is intended to provide for compatible high density multiple-family developments including apartments and condominiums with a maximum density of 25 units per net acre and a mid-range density of 22.5 units per net acre as noted in Chapter 30.16 (Residential Zones) of the Encinitas Municipal Code. The proposed density of five (5) residential units is below the allowable mid-range density of seven (7) units. The proposed five (5)-unit three-story structure represents a modern design utilizing a good mixture of compatible materials and the creation of a visually interesting development. The project substantially conforms to site, building, and architectural design recommendations by incorporating varying horizontal and vertical articulation elements as well as eaves, decks, railings, lap sidings, window shutters, exposed rafter tails, standing seam metal roof, and other architectural projections. The project complies with all the development standards of the subject N-R25 zoning district including density, setbacks, building heights and lot coverage.

The applicant is requesting to waive the requirements of Section 30.16.010D8, which requires recreational facilities including children's play area and swimming pool to be provided on site unless waived during the Design Review process. The project does include a common picnic area. Even though the proposed project is a multi-family development the layout and design of the project is not that of a higher density development such as an apartment complex where these recreational facilities would be more appropriate.

**Conclusion:** The Planning Commission finds that the project design is consistent with the General Plan, North 101 Corridor Specific Plan and the provisions of the Municipal Code.

- b. The project design is substantially inconsistent with the Design Review Guidelines.

**Facts:** Section 4.6 of the North 101 Corridor Specific Plan contains design recommendations related to design and site layout, building design, landscape design and privacy and security with which the authorized agency must find the project substantially consistent in order to grant approval. The subject application proposes to construct a five (5)-unit, attached, condominium residential project. The subject site consists of a gross 14,677 square-foot substandard legal lot (the standard lot area for the N-R25 zone is 20,000 sq. ft.) with 105.5 feet in width and 139.42 feet in depth. The size of the units ranges from 1,855 to 1,985 square feet and the units will have balcony areas for use as private open space. Residents' parking spaces are provided within the five (5) enclosed two-car parking garages, with two (2) guest surface parking spaces provided adjacent to the parking garage for Unit #5. The project will be accessed via a 24-foot wide concrete driveway off of N. Vulcan Avenue

**Discussion:** The selected architectural design, reminiscent of a beach-style cottage, is proposed with the utilization of a non-reflective galvanized metal roof material, fiber cement lap sidings, wood shutters, belly bands, decks and railings, and plaster-finish exterior walls. The standing-seam metal roof will be "Old Zinc Grey", a non-reflective light gray color. The building siding is proposed to be of fiber cement composite and the shutters, railings, decks and belly bands will be with a stained wood material. Garage doors are proposed with custom stained wood materials and distinctive designs. The carport is designed to be an integral part of the project with similar heavy timber wood material.

Building accents include the use of four distinctive shades of green/tan colors for the fiber cement lap siding, and the varied use of simulated wood shutters and wood balconies and railings. Each unit is proposed to be painted a different color and material applications are utilized in order to distinguish the unit from each other but still maintain the beach-style theme throughout all four elevations of the project. The lap siding materials will be used primarily at the second- and third-story exterior walls to complement the chosen architectural design, while shutters will be placed on the sides or as a shade canopy for select windows. The white vinyl windows complement the different colored lap siding and wood accents. The front elevation provides sufficient horizontal wall plane variations with complimentary materials carried around each corner. Variations also include second and third level decks with railings all with distinctive wood designs. The landscape plan provides ample coverage for the project site and substantial backyard planting would ensure that the project is buffered from and blends visually with the surrounding development, as viewed from the adjacent residences.

The proposed multi-story development design is compatible with the surrounding types of structures including the two-story multi-unit development most adjacent to the south. The project is proposing a 15-foot rear yard setback from the most easterly property line. The 15-foot setback will also serve as a landscaping buffer, as required under Section

30.16.010D3 of the Municipal Code, so as not to impose on the privacy of the adjacent single story dwelling unit. Additionally, a 19-foot side yard setback from the most northerly property line is proposed to provide vehicular access to the parking garages and guest parking spaces in the rear of the property, and also provide a buffer from the northerly property. The project will maintain a five (5)-foot side yard setback from the southerly property line with a three story element on the southwest corner of the structure transitioning easterly into a two-story element and a courtyard in the rear yard. The bulk and mass on this elevation is consistent with the three-story structure most adjacent to the south.

**Conclusion:** The Planning Commission finds that the project design is substantially consistent with the Design Review Guidelines.

- c. The project would adversely affect the health, safety, or general welfare of the community.

**Facts:** The project is categorically exempt from environmental review pursuant to Sections 15301(l)(1) and 15332 of the California Environmental Quality Act (CEQA) Guidelines. Section 15301(l)(1) exempts the demolition of up to three (3) single-family residential structures. Section 15332 exempts in-fill developments which are consistent with local general plan and zoning requirements. Service availability letters were submitted to demonstrate that all services/infrastructure are available to serve the subject property. The proposed multi-family development is allowed by right in the subject Residential 25 (N-R25) zone of the North 101 Corridor Specific Plan Area and no evidence has been submitted or discovered that would suggest that the proposed project would adversely affect the surrounding neighborhood or community.

**Discussion:** The proposed use is allowed by right in the subject N-R25 zone and no evidence has been submitted or discovered that would suggest that the proposed project would adversely affect the surrounding neighborhood or community. All services/infrastructure (i.e. stormwater facilities, water and sewer) are available and provided as required under this permit to serve the subject property. The project is exempt from the requirements of CEQA and no adverse impact to the environment is anticipated.

**Conclusion:** The Planning Commission finds that the project will not adversely affect the health, safety, or general welfare of the community.

- d. The project would cause the surrounding neighborhood to depreciate materially in appearance or value.

**Facts:** The application requests a Design Review and Tentative Map approval for a common-interest subdivision for a five (5)-unit development in conformance with the N-R25 zoning designation standards within the Leucadia Community area.

**Discussion:** The proposed multi-story development design is compatible with the surrounding types of structures. The adjacent properties to the north and south are developed with a two-story and three-story multi-family structures respectively. The property to the east is developed with a single-story single family residential structure. The selected architectural design, reminiscent of a beach-style cottage, proposes to use a

non-reflective galvanized metal roof material, fiber cement lap siding, wood shutters, belly bands, decks and railings, and plaster-finish exterior walls. Each unit is proposed to be painted a different color and material applications in order to distinguish the unit from each other but still maintain the beach-style theme throughout all four elevations of the project. The standing-seam metal roof will be "Old Zinc Grey", a non-reflective light gray color. The building siding is proposed to be of fiber cement composite and the shutters, railings, decks and belly bands will be with a wood-stained material. Garage doors are proposed with custom wood stained materials and distinctive designs. The carport is designed to be an integral part of the project with similar heavy timber wood material and wood stained color.

The project substantially conforms to site, building, landscape and privacy design standards by incorporating varying horizontal and vertical articulation elements as well as eaves, decks, railings, and other architectural projections. The project would enhance the appearance of the property and the neighborhood. The proposed colors, materials and architectural features are well coordinated and complementary to the site and its surroundings. The landscape plan provides ample coverage for the project site and substantial backyard planting would ensure that the project blends visually with the surrounding development, as viewed from the adjacent residences. No evidence has been submitted or discovered that would suggest that the proposed project would cause any material depreciation in appearance or value of the surrounding neighborhood.

**Conclusion:** The Planning Commission finds that the project will not cause the surrounding neighborhood to depreciate materially in appearance or value.

## FINDINGS FOR A TENTATIVE MAP

**STANDARD:** Section 66474 of the California Government Code requires that the authorized agency approve an application for a Tentative Map unless, based upon the information presented in the application and during the Public Hearing, the authorized agency makes any of the following findings of fact:

- a. That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451 of the Subdivision Map Act.

**Facts:** The application requests a Tentative Map for a proposed common-interest subdivision for a five (5)-unit development in conformance with the N-R25 zoning designation within the Leucadia Community area. The subject site consists of a 14,677 square-foot substandard legal lot (the standard lot area for the N-R25 zone is 20,000 sq. ft.) with 105.5 feet in width and 139.42 feet in depth. The subject site is designated for multi-family residential use by the City of Encinitas General Plan and is zoned Residential 25 (N-R25) as per the North 101 Corridor Specific Plan. The General Plan allows a maximum density of 25 dwelling units per net acre in the N-R25 zone with a mid-range density of 22.5 dwelling units per net acre.

**Discussion:** Attached multi-family residential development and associated improvements is a land use permitted by right in the N-R25 Zoning District. The subject gross 14,677 square-foot substandard legal lot would yield a mid-range density of seven (7) dwelling units per acre. The proposed density of five (5) residential units is below the allowable mid-range density of seven (7) units. Approval of the project would include conceptual grading for residential building pads and access driveways as shown on the Tentative Map.

**Conclusion:** The Planning Commission finds that the proposed common-interest condominium map is consistent with the General Plan and the North 101 Corridor Specific Plan.

- b. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.

**Facts:** The application requests a Tentative Map for a proposed common-interest subdivision for a five (5)-unit development in conformance with the N-R25 zoning designation within the Leucadia Community area. Chapter 24.12 (Subdivisions) of the Municipal Code sets forth design standards for subdivisions.

**Discussion:** The project will be accessed via a 28.5-foot wide concrete driveway off of North Vulcan Avenue. The proposed access and all other design criteria satisfy City standards for the N-R25 zone contained in Chapters 24.12 and 30.16 of the Encinitas Municipal Code and Section 4.6 of the North 101 Corridor Specific Plan. The subject project also complies with the development standards applicable to the N-R25 zone identified in Section 30.16.010A of the Municipal Code and Section 3.1.1 of the North 101 Corridor Specific Plan. The proposed public and private improvements related to the

project have been reviewed by the Engineering Services and Fire Departments and, with the implementation of the conditions of approval of this resolution, have been found to comply with all applicable standards and regulations. The subject parcel will have more than sufficient space to accommodate the proposed project while complying with all Municipal Code and General Plan provisions.

**Conclusion:** The Planning Commission finds that the design or improvement of the proposed common-interest subdivision is consistent with the General Plan and North 101 Corridor Specific Plan.

- c. That the site is not physically suitable for the proposed type of development.

**Facts:** The application requests a Tentative Map for a proposed common-interest subdivision for a five (5)-unit development in conformance with the N-R25 zoning designation within the Leucadia Community area. The subject site consists of a 14,677 gross square-foot substandard legal lot (the standard lot area for the N-R25 zone is 20,000 sq. ft.) with 105.5 feet in width and 139.42 feet in depth. The project will be accessed via a 24-foot wide concrete driveway from North Vulcan Avenue. The subject site is designated for multi-family residential use by the City of Encinitas General Plan and is zoned Residential 25 (N-R25) as per the North 101 Corridor Specific Plan. A Preliminary Geotechnical Investigation Report was prepared by Coast Geotechnical Engineering to evaluate the onsite soils and geologic conditions and their effects on the proposed development.

**Discussion:** The project as proposed will comply with all applicable development standards of the subject N-R25 zone, including parking, lot coverage, building height, and setbacks. The existing substandard parcel will have more than sufficient area to accommodate the proposed project while complying with all Municipal Code, Specific Plan and General Plan provisions. The geotechnical report prepared by Coast Geotechnical Engineering for the proposed project concluded that the site is suitable for the proposed development with recommendations to be implemented during the design and construction phases. The report was subject to a Third Party Geotechnical Review by the City's Geotechnical Consultant, Geopacifica. Geopacifica found that said geotechnical reports provide information to adequately meet the standards of the City of Encinitas Municipal Code and General Plan policies.

**Conclusion:** The Planning Commission finds that the site is physically suitable for the Tentative Map

- d. That the site is not physically suitable for the proposed density of development.

**Facts:** The subject site is designated for multi-family residential use by the City of Encinitas General Plan and is zoned Residential 25 (N-R25) as per the North 101 Corridor Specific Plan. The N-R25 zone is intended to provide for compatible high density multiple-family developments including apartments and condominiums with a maximum density of 25 units per net acre and a mid-range density of 22.5 units per net acre as noted in Chapter 30.16

(Residential Zones) of the Encinitas Municipal Code. The subject site consists of a gross 14,677 square-foot substandard legal lot (standard lot area for the N-R25 zone is 20,000 sq. ft.) with 105.5 feet in width and 139.42 feet in depth. The project will be accessed via a 24-foot wide concrete driveway off of North Vulcan Avenue. A Preliminary Geotechnical Investigation Report was prepared by Coast Geotechnical Engineering to evaluate the onsite soils and geologic conditions and their effects on the proposed development.

**Discussion:** The subject 14,677 gross square-foot substandard legal lot would yield a mid-range density of seven (7) dwelling units. The proposed density of five (5) residential condominium units is below the allowable mid-range density of seven (7) units. Therefore, the project density is in compliance with the density requirements of the Municipal Code and General Plan. The geotechnical report prepared by Coast Geotechnical Engineering for the proposed project concluded that the site is suitable for the proposed development with recommendations to be implemented during the design and construction phases. The report was subject to a Third Party Geotechnical Review by the City's Geotechnical Consultant, Geopacifica. Geopacifica found that said geotechnical reports provide information to adequately meet the standards of the City of Encinitas Municipal Code and General Plan policies.

**Conclusion:** The Planning Commission finds that the site is physically suitable for the proposed density of development.

- e. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially or avoidably injure fish or wildlife or their habitat.

**Facts:** The application requests a Tentative Map for a proposed common-interest subdivision for a five (5)-unit development in conformance with the N-R25 zoning designation within the Leucadia Community area. Chapter 24.12 (Subdivisions) of the Municipal Code sets forth design standards for subdivisions. The project will be accessed via a 24-foot wide concrete driveway off of North Vulcan Avenue. The proposed project would include site grading, construction of storm water treatment facilities, and street improvements.

**Discussion:** The proposed access and all other design criteria satisfy City standards for the N-R25 zone contained in Chapters 24.12 and 30.16 of the Encinitas Municipal Code and Section 4.6 of the North 101 Corridor Specific Plan. The project is categorically exempt from environmental review pursuant to Sections 15301(l)(1) and 15332 of the California Environmental Quality Act (CEQA) Guidelines. Section 15301(l)(1) exempts the demolition of up to three (3) single-family residential structures. Section 15332 exempts in-fill developments which are consistent with local general plan and zoning requirements. Service availability letters were submitted to demonstrate that all services/infrastructure are available to serve the subject property. No evidence has been submitted or discovered that would suggest that the proposed project would cause substantial environmental damage or substantially or avoidably injure fish or wildlife or their habitat.

**Conclusion:** The Planning Commission finds that the design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially or avoidably injure fish or wildlife or their habitat.

- f. That the design of the subdivision or the type of improvements is likely to cause serious public health problems.

**Facts:** The application requests a Tentative Map for a proposed common-interest subdivision for a five (5)-unit development in conformance with the N-R25 zoning designation within the Leucadia Community area. Chapter 24.12 (Subdivisions) of the Municipal Code sets forth design standards for subdivisions. The proposed project would include site grading, construction of storm water treatment facilities, and street improvements. The applicant has submitted service availability letters to indicate that the Water, Sewer and Fire agencies can provide adequate service and utilities to the project site.

**Discussion:** Because the proposed project complies with all applicable development standards, all necessary public facilities and services are available for the project, and adequate storm-water treatment facilities are provided, the project is not likely to cause any public health problems.

**Conclusion:** The Planning Commission finds that the design of the subdivision can be adequately serviced with necessary utilities and the project will not cause any serious public health problems.

- g. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the authorized agency may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements through or use of property within the proposed subdivision.

**Facts:** All easements of record are identified in the preliminary title report for the subject property and shown on the proposed tentative map. No conflicts with easements of record have been identified.

**Discussion:** No evidence has been discovered or submitted to suggest that the common interest subdivision and development would conflict with any easement for access through or use of the subject property.

**Conclusion:** The Planning Commission finds that the proposed subdivision will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

## **FINDINGS FOR A COASTAL DEVELOPMENT PERMIT**

**STANDARD:** Section 30.80.090 of the Municipal Code provides that the authorized agency must make the following findings of fact, based upon the information presented in the application and during the Public Hearing, in order to approve a coastal development permit:

1. The project is consistent with the certified Local Coastal Program of the City of Encinitas; and
2. The proposed development conforms with Public Resources Code Section 21000 and following (CEQA) in that there are no feasible mitigation measures or feasible alternatives available which would substantially lessen any significant adverse impact that the activity may have on the environment; and
3. For projects involving development between the sea or other body of water and the nearest public road, approval shall include a specific finding that such development is in conformity with the public access and public recreation policies of Section 30200 et. seq. of the Coastal Act.

**Facts:** The application requests a Design Review and Tentative Map for a common-interest subdivision for a five (5)-unit development in conformance with the N-R25 zoning designation standards within the Leucadia Community area. The subject site consists of a 14,677 gross square-foot substandard legal lot (the standard lot area for the N-R25 zone is 20,000 sq. ft.) with 105.5 feet in width and 139.42 feet in depth. The site contains two (2) existing single-story vacant residential structures proposed to be removed. Vegetation consists of various shrubs, turf ground covers and four (4) significant mature eucalyptus trees along the street frontage of the property.

**Discussion:** The proposed project site lies within the Coastal Zone of the City of Encinitas and requires the issuance of a regular Coastal Development Permit. With approval of the Design Review Permit, Tentative Map and Coastal Development permit the project conforms to the Encinitas Municipal Code and the North 101 Corridor Specific Plan. The project has been determined to be exempt from environmental review pursuant to Sections 15301(l)(1) and 15332 of the California Environmental Quality Act (CEQA) Guidelines, which exempts the demolition of up to three (3) single-family residential structures and in-fill developments which are consistent with local general plan and zoning requirements. The subject site is located on fully disturbed property consisting of impervious surface area, landscaping and two (2) existing residential single-story structures. The site is not located between the sea and the nearest public road.

**Conclusion:** The Planning Commission finds that 1) the project is consistent with the certified Local Coastal Program of the City of Encinitas; 2) required finding No. 2 is not applicable since no significant adverse impact is associated with the project; and regarding finding 3), the project is not located between the sea and the nearest public road and the approval of this Coastal Development Permit satisfies the requirements of the Encinitas Local Coastal Program.

**ATTACHMENT "B"**  
**Resolution No. PC 2008-13**  
**Case No. 07-004 DR/TM/CDP**

Applicant: Vulcan Ocean View Properties, LLC

Location: 1865 N. Vulcan Avenue (APN: 254-070-37)

**SC1 SPECIFIC CONDITIONS:**

SC3 Approval of the Tentative Map and all associated permits will expire on April 3, 2011 at 5:00 pm, three years after the approval of this project, unless the conditions have been met or an extension of time has been approved pursuant to the Municipal Code.

SC5 This project is conditionally approved as set forth on the application dated received by the City on January 22, 2007; and project architectural drawings consisting of six (6) sheets, including First Floor Plan/Site Plan, Second Floor Plan, Third Floor Plan, Exterior Elevations and Sections, Roof Plan, and Landscape Plan; and Tentative Map and Grading Improvement Plans consisting of two (2) sheets; all stamped received by the City on March 5, 2008; all designated as approved by the Planning Commission on April 3, 2008, and shall not be altered without express authorization by the Planning and Building Department.

SCA Every effort shall be made to preserve the existing mature Eucalyptus trees along North Vulcan Avenue while still providing for succession with mature trees to replace them once they die or have to be removed due to advanced disease. In order to accomplish this, prior to approval of building or grading permits, the applicant shall provide a plan for interim improvements to the satisfaction of the Engineering Services and Planning and Building Departments. Those interim street improvements shall meet minimum requirements for drainage, pedestrian and vehicular circulation, etc. while still preserving the Eucalyptus trees. **The interim street improvement plan shall be subject to review and approval by the City Council prior to issuance of building/grading permit.** At any such time as the Eucalyptus trees must be removed in the future due to death or hazard associated with advanced disease, the remaining improvements required to conform with the requirements of the North Coast Highway 101 Specific Plan shall be installed to the satisfaction of the Engineering Services Department. Prior to building or grading permit issuance the applicant shall post a bond sufficient to guarantee public improvements for a period of up to five (5) years to the satisfaction of the Engineering Services Department. At the conclusion of that five (5) year period, or upon Council direction on dedication/improvement standards for North Vulcan Avenue right-of-way, whichever occurs first, the applicant shall dedicate and install the improvements in accordance with the standards in effect at that time.

SCB Units #1 thru #4 shall remain as two (2) bedroom units unless the applicant/owner, or subsequent owners, can demonstrate that the project will provide sufficient parking spaces in compliance with Municipal Code Section 30.54. The two (2) unenclosed parking spaces, most adjacent to Unit #5, shall be reserved for purpose of providing parking areas for guest only and for the benefit of all five (5) units. Signage shall be posted to properly identify the two (2) guest parking spaces.

SCC The landscaping area and materials in the rear yard, as depicted on the Landscape plans, shall remain and be maintained in perpetuity to provide a screening buffer to the adjacent properties to the east as per Municipal Code Section 30.16.010D3.

SCD The plans to satisfy the following conditions shall be approved and secured to the satisfaction of the Engineering Services Department prior to issuance of the grading permit:

1. The project is proposed with grasspave and gravel driveway areas. If the project proposes more than 5,000 square feet of new impervious surfaces for driveway/parking areas, the project will qualify as a Priority Project for purposes of storm water pollution control and shall meet the numeric sizing criteria described in the City of Encinitas Best Management Practice Manual, Part II.
2. The developer shall dedicate additional right-of-way as necessary for 42 feet from centerline to property line along the property frontage to North Vulcan Ave. North Vulcan Avenue shall be widened per the North Coast Highway 101 Specific Plan, including widening the pavement along the property frontage to the proposed curb line, located eight (8) feet westerly of the property line, providing a standard curb and gutter, and providing a standard sidewalk. The location of the sidewalk shall be approved by the Engineering Department at the time of public improvement plan approval. The developer shall provide AC overlay to Vulcan Avenue along the property frontage to the satisfaction of the City Engineer. The developer shall be responsible for providing any necessary offsite transition to the existing adjacent improvements to the satisfaction of the City Engineer.
3. Grasspave is not intended for constant use. The grasspave area shown on the plan shall be changed to grass with modular concrete reinforcement acceptable to the City Engineer.
4. An overhead utility pole exists onsite. The developer shall remove the utility pole and shall provide the necessary undergrounding of any utilities' service run from the pole.
5. The property falls within an area serviced by Leucadia Wastewater District. As shown on the Tentative Map, the property shall connect to the sanitary sewer system.
6. This property may receive runoff from the easterly adjacent property. The developer shall provide a drainage system along the easterly property boundary to intercept any flows entering the project site.
7. Retaining walls are shown along the northerly and southerly property boundaries. No encroachment of work during the construction or encroachment of the foundation onto the adjacent property shall be allowed unless a letter of permission is obtained from the adjacent property owners and approved by the City prior to construction.
8. The engineer of work did not address the existing street configuration on Vulcan to the north and south of the proposed project site. Prior to approval of a grading or improvement plan for the project and prior to recordation of the final Map, the developer shall provide to the City for review and approval plans showing the existing street and drainage condition on Vulcan for 100 feet on either side of the subject property. Based upon the existing condition of the street and the drainage, the developer may be required to provide additional public improvements, including pavement and drainage facilities, beyond the project frontage.
9. The applicant shall provide improvements consistent with the approved Tentative Map.

SCE The following conditions shall be completed/fulfilled to the satisfaction of the San Dieguito Water District prior to recording the Final Map:

1. The subject property is currently being served by a 5/8-inch water meter. The current owner may apply capacity credit toward the subject property. Prior to development, the owner shall determine if each unit will be individually metered. If the units are individually metered prior to recordation of the map, the owner shall provide the San Dieguito Water District with written statement indicating which unit will receive capacity credits.
2. All water meters shall be located in front of the unit they are serving and outside of any existing or proposed travel way. Cost of relocation is the responsibility of the developer.
3. The owner/applicant shall show all existing and proposed water facilities on improvements or grading plans for the San Dieguito Water District's approval.
4. The owner/applicant shall comply with the San Dieguito Water District's fees, charges, rules and regulations.
5. Separate irrigation meter shall be required and shall have a backflow preventer installed. The owner shall be responsible for the maintenance, repair, and annual certification.
6. All fire services shall have a double detector checks installed. The owner shall be responsible for the maintenance, repair, and annual certifications.

SCF A minimum of 250 cubic feet of lockable, enclosed storage area per unit shall be provided within the garage or the main building.

SCG Recreation vehicle parking shall be prohibited on site pursuant to Municipal Code Section 30.16.010D5.

G1 **STANDARD CONDITIONS:**

**CONTACT THE PLANNING AND BUILDING DEPARTMENT REGARDING COMPLIANCE WITH THE FOLLOWING CONDITION(S):**

- M1 This approval may be appealed to the City Council within 10 calendar days from the date of this approval pursuant to Chapter 1.12 of the Municipal Code.
- G4 Prior to **building permit issuance/recordation of the final map**, the owner shall cause a covenant regarding real property to be recorded. Said covenant shall set forth the terms and conditions of this grant of approval and shall be of a form and content satisfactory to the Planning and Building Director. The Owner(s) agree, in acceptance of the conditions of this approval, to waive any claims of liability against the City and agrees to indemnify, hold harmless and defend the City and City's employees relative to the action to approve the project.
- G5 Approval of this request shall not waive compliance with any sections of the Municipal Code and all other applicable City regulations in effect at the time of Building Permit issuance unless specifically waived herein.

- G7 Prior to issuing a final inspection on framing, the applicant shall provide a survey from a licensed surveyor or a registered civil engineer verifying that the building height is in compliance with the approved plans. The height certification/survey shall be supplemented with a reduced (8 ½" x 11") copy of the site plan and elevations depicting the exact point(s) of certification. The engineer/surveyor shall contact the Planning and Building Department to identify and finalize the exact point(s) to be certified prior to conducting the survey.
- G10 All retaining and other freestanding walls, fences, and enclosures shall be architecturally designed in a manner similar to, and consistent with, the primary structures (e.g. stucco-coated masonry, split-face block or slump stone). These items shall be approved by the Planning and Building Department prior to the issuance of building and/or grading permits.
- G11 All roof-mounted equipment and appurtenances, including air conditioners and their associated vents, conduits and other mechanical and electrical equipment, shall be architecturally integrated, and shall be shielded from view and sound buffered to the satisfaction of the Planning and Building Department. **Note: All rooftop equipment shall be assumed visible unless demonstrated otherwise to the satisfaction of the Planning and Building Department, and adequate structural support shall be incorporated into building design.** Rooftop vent pipes shall be combined below the roof, and shall utilize decorative caps where visible from any point. Ground-mounted mechanical and electrical equipment shall also be screened through use of a wall, fence, landscaping, berm, or combination thereof to the satisfaction of the Planning and Building Department. All exterior accessory structures shall be designed to be compatible with the primary building's exterior to the satisfaction of the Planning and Building Department.
- G12 Prior to any use of the project site pursuant to this permit, all conditions of approval contained herein shall be completed or secured to the satisfaction of the Planning and Building Department.
- G13 The applicant shall pay development fees at the established rate. Such fees may include, but not be limited to: Permit and Plan Checking Fees, Water and Sewer Service Fees, School Fees, Traffic Mitigation Fees, Flood Control Mitigation Fees, Park Mitigation Fees, and Fire Mitigation/Cost Recovery Fees. Arrangements to pay these fees shall be made prior to **Final Map approval/building permit issuance** to the satisfaction of the Planning and Building and Engineering Services Departments. The applicant is advised to contact the Planning and Building Department regarding Park Mitigation Fees, the Engineering Services Department regarding Flood Control and Traffic Fees, applicable School District(s) regarding School Fees, the Fire Department regarding Fire Mitigation/Cost Recovery Fees, and the applicable Utility Departments or Districts regarding Water and/or Sewer Fees.
- G14 A plan shall be submitted for approval by the Planning and Building Department, the Engineering Services Department, and the Fire Department regarding the security treatment of the site during the construction phase, the on- and off-site circulation and parking of construction workers' vehicles, and any heavy equipment needed for the construction of the project.
- G18 Parking area shall be screened from adjacent properties and/or public view with decorative wall(s) and/or landscaping. Said screening shall be reviewed and approved by the Planning and Building Department prior to building permit issuance.

- G19 Garages enclosing required parking spaces shall be kept available and usable for the parking of owner/tenant vehicles at all times, and may not be rented or conveyed separately from the appurtenant dwelling unit.
- G21 All utility connections shall be designed to coordinate with the architectural elements of the site so as not to be exposed except where necessary. Locations of pad mounted transformers, meter boxes, and other utility related items shall be included in the site plan submitted with the building permit application with an appropriate screening treatment. Transformers, terminal boxes, meter cabinets, pedestals, ducts and other facilities may be placed above ground provided they are screened with landscaping.
- L1 The project is subject to Chapter 23.26 of the Municipal Code (Water Efficient Landscape Program), which requires a landscape and irrigation plan to be prepared by a State licensed landscape designer. The requirements for the plans are listed in Chapter 23.26. The landscape and irrigation plans including the required signature block of the State licensed landscape designer must be submitted as part of the building permit application for the project.
- L2 All required plantings and automated irrigation systems shall be in place prior to use or occupancy of new buildings or structures. All required plantings and automated irrigation systems shall be maintained in good condition, and whenever necessary, shall be replaced with new materials to ensure continued compliance with applicable landscaping, buffering, and screening requirements. All landscaping and irrigation systems shall be maintained in a manner that will not depreciate adjacent property values and otherwise adversely affect adjacent properties. All irrigation lines shall be installed and maintained underground (except drip irrigation systems).
- L3 All parking areas and driveways shall conform with Chapter 30.54 of the Municipal Code and the City's Off-street Parking and Design Manual incorporated by reference therein.
- L4 (a) All landscaping, fences, walls, etc. on the site, in any adjoining public parkways (the area between the front property line and the street) shall be permanently maintained by the owner, assigns or any successors in interest in the property. The maintenance program shall include normal care and irrigation of the landscaping; repair and replacement of plant materials and irrigation systems as necessary; and general cleanup of the landscaped and open areas, parking lots and walkways, walls, fences, etc. Failure to maintain landscaping and the site in general may result in the setting of a public hearing to revoke or modify the approval. This condition shall be recorded with the covenant required by this Resolution.
- L5 All masonry freestanding or retaining walls visible from points beyond the project site shall be treated with a protective sealant coating to facilitate graffiti removal. The sealant shall be of a type satisfactory to the Engineering and Planning and Building Departments. The property owner shall be responsible for the removal in a timely manner of any graffiti posted on such walls.
- DR1 Any future modifications to the approved project will be reviewed relative to the findings for substantial conformance with a design review permit contained in Section 23.08.140 of the Municipal Code. Modifications beyond the scope described therein may require

submittal of an amendment to the design review permit and approval by the authorized agency.

DR2 Side and rear elevations and window treatments shall be trimmed and architecturally treated so as to substantially match the front elevations. This treatment shall be reflected in building plans and shall be found satisfactory by the Planning and Building Department prior to the issuance of building permits.

M2 All project grading shall conform with the approved Tentative Map or Tentative Parcel Map. In cases where no grading is proposed at the time of the Tentative Map/Tentative Parcel Map, or in cases where the grading plan later submitted is not consistent with the approved Tentative Map/Tentative Parcel Map, the applicant shall be required to obtain a design review permit for grading prior to issuance of grading permits.

**B1 BUILDING CONDITION:**

**CONTACT THE ENCINITAS BUILDING DIVISION REGARDING COMPLIANCE WITH THE FOLLOWING CONDITION(S):**

B2R The applicant shall submit a complete set of construction plans to the Building Division for plancheck processing. The submittal shall include a Soils/Geotechnical Report, structural calculations, and State Energy compliance documentation (Title 24). Construction plans shall include a site plan, a foundation plan, floor and roof framing plans, floor plan(s), section details, exterior elevations, and materials specifications. Submitted plans must show compliance with the latest adopted editions of the California Building Code (The Uniform Building Code with California Amendments, the California Mechanical, Electrical and Plumbing Codes). These comments are preliminary only. A comprehensive plancheck will be completed prior to permit issuance and additional technical code requirements may be identified and changes to the originally submitted plans may be required.

**F1 FIRE CONDITIONS:**

**CONTACT THE ENCINITAS FIRE DEPARTMENT REGARDING COMPLIANCE WITH THE FOLLOWING CONDITION(S):**

F6 GATES: All gates or other structures or devices, which could obstruct fire access roadways or otherwise hinder emergency operations, are prohibited unless they meet standards approved by the Fire Department. All automatic gates across fire access roadways shall be equipped with approved emergency key operated switches overriding all command functions and opening the gate(s). Gates accessing four (4) or more residences or residential lots, or gates accessing hazardous, institutional, educational, or assembly occupancy group structures shall also be equipped with approved emergency traffic control activating strobe light sensor(s) which will activate the gate on the approach of emergency apparatus. All automatic gates must meet Fire Department requirements for rapid, reliable access.

F7 RESPONSE MAPS: Any development that by virtue of new structures necessitates fire hydrants, roadways, or similar features, shall be required to provide a map in a format

compatible with current Department mapping services, and shall be charged a reasonable fee for updating all Fire Department response maps.

- F10 OBSTRUCTION OF ROADWAYS DURING CONSTRUCTION: All roadways shall be a minimum of 24 feet in width during construction and shall be maintained clear, including the parking of vehicles, in accordance with the Uniform Fire Code and the Encinitas Fire Department.
- F11 FIRE HYDRANTS AND FIRE FLOWS: The applicant shall provide fire hydrants of a type, number, and location satisfactory to the Encinitas Fire Department. A letter from the water agency serving the area shall be provided that states the required fire flow is available. Fire hydrants shall be of a bronze type. Commercial fire hydrants shall have two (2) 4" outlets and one (1) 2 ½" outlet. Residential fire hydrants shall have one (1) 4" outlet and one (1) 2 ½" outlet. A two-sided blue reflective road marker shall be installed on the road surface to indicate the location of the fire hydrant(s) for approaching fire apparatus.
- F13 ADDRESS NUMBERS: Address numbers shall be placed in a location that will allow them to be clearly visible from the street fronting the structure. The numbers shall contrast with their background, and shall be no less in height than: Four inches (4") for single family homes and duplexes; Eight inches (8") for commercial and multi-family residential buildings; and Twelve inches (12") for industrial buildings.
- F14 ADDRESS NUMBERS FOR STRUCTURES LOCATED OFF ROADWAY: Where structures are located off a roadway on long easements/driveways, a monument marker shall be placed at the entrance where the easement/driveway intersects the main roadway. Permanent address numbers with height conforming to Fire Department standards shall be affixed to this marker.
- F15 AUTOMATIC FIRE SPRINKLER SYSTEM: Structures shall be protected by an automatic fire sprinkler system designed and installed to the satisfaction of the Fire Department.
- F18 CLASS "A" ROOF: All structures shall be provided with a Class "A" roof assembly to the satisfaction of the Encinitas Fire Department.

**E1 ENGINEERING CONDITIONS:**

**CONTACT THE ENGINEERING SERVICES DEPARTMENT REGARDING COMPLIANCE WITH THE FOLLOWING CONDITIONS:**

- E2 All City Codes, regulations, and policies in effect at the time of building/grading permit issuance shall apply.
- E3 All drawings submitted for Engineering permits shall reference the NAVD 88 datum; the NGVD 29 datum will not be accepted.

**EG1   Grading Conditions**

- EG3   The owner shall obtain a grading permit prior to the commencement of any clearing or grading of the site.
- EG4   The grading for this project is defined in Chapter 23.24 of the Encinitas Municipal Code. Grading shall be performed under the observation of a civil engineer whose responsibility it shall be to coordinate site inspection and testing to ensure compliance of the work with the approved grading plan, submit required reports to the Engineering Services Director and verify compliance with Chapter 23.24 of the Encinitas Municipal Code.
- EG5   No grading shall occur outside the limits of the project unless a letter of permission is obtained from the owners of the affected properties.
- EG6   Separate grading plans shall be submitted and approved and separate grading permits issued for borrow or disposal sites if located within city limits.
- EG7   All newly created slopes within this project shall be no steeper than 2:1.
- EG8   A soils/geological/hydraulic report (as applicable) shall be prepared by a qualified engineer licensed by the State of California to perform such work. The report shall be submitted with the first grading plan submittal and shall be approved prior to issuance of any grading permit for the project.
- EG9   Prior to hauling dirt or construction materials to any proposed construction site within this project the owner shall submit to and receive approval from the Engineering Services Director for the proposed haul route. The owner shall comply with all conditions and requirements the Engineering Services Director may impose with regards to the hauling operation.
- EG10   In accordance with Section 23.24.370 (A) of the Municipal Code, no grading permit shall be issued for work occurring between October 1st of any year and April 15th of the following year, unless the plans for such work include details of protective measures, including desilting basins or other temporary drainage or control measures, or both, as may be deemed necessary by the field inspector to protect the adjoining public and private property from damage by erosion, flooding, or the deposition of mud or debris which may originate from the site or result from such grading operations.

**ED1   Drainage Conditions**

- ED2A   An erosion control system shall be designed and installed onsite during all construction activity. The system shall prevent discharge of sediment and all other pollutants onto adjacent streets and into the storm drain system. The City of Encinitas Best Management Practice Manual shall be employed to determine appropriate storm water pollution control practices during construction.
- ED3   A drainage system capable of handling and disposing of all surface water originating within the project site, and all surface waters that may flow onto the project site from adjacent

lands, shall be required. Said drainage system shall include any easements and structures required by the Engineering Services Director to properly handle the drainage.

- ED5 The owner shall pay the current local drainage area fee prior to issuance of the building permit for this project or shall construct drainage systems in conformance with the Master Drainage Plan and City of Encinitas Standards as required by the Engineering Services Director.

**ES1 Street Conditions**

- ES5 Prior to any work being performed in the public right-of-way, a right-of-way construction permit shall be obtained from the Engineering Services Director and appropriate fees paid, in addition to any other permits required.

**EU1 Utilities**

- EU2 The owner shall comply with all the rules, regulations, and design requirements of the respective utility agencies regarding services to the project.
- EU3 The owner shall be responsible for coordination with S.D.G. & E., AT&T, and other applicable authorities.
- EU4 All proposed utilities within the project shall be installed underground including existing utilities unless exempt by the Municipal Code.
- EU4A The existing overhead utilities service to the property shall be undergrounded.
- EU5 The owner shall be responsible for the relocation and undergrounding of existing public utilities, as required.
- EU7 The design of the division of land shall provide each cable operator an opportunity to construct, install and maintain, on land identified on the map as dedicated to public utility use, any equipment necessary to extend cable television services to each residential parcel in the subdivision. This condition shall not apply to the conversion of existing dwelling units to condominiums, community apartments, or stock cooperatives.
- EU8 Subject to all applicable Federal and State laws, statutes and regulations, in the event of multiple cable communication operators desiring to serve new residential developments in which the electric power and telephone utilities are underground, the following procedure shall apply with respect to access to and utilization of underground easements:
- (a) The developer shall be responsible for contacting and surveying all franchised cable operators to ascertain which operators desire to provide cable television service to the development. The developer may establish a reasonable deadline to receive responses from cable operators. The final tract map shall indicate the cable operator(s) that have agreed to serve the development.

- (b) If one or more cable operators wish to provide service, they shall be accommodated in the joint utilities trench on a nondiscriminatory shared basis.
- (c) The developer shall provide at least (10) working days notice of the date that the utility trenches will be open to the cable operators that have agreed to serve the development.
- (d) Sharing the joint utilities trench shall be subject to compliance with Public Utilities Commission and utility standards. If such compliance is not possible, or if three (3) or more operators desire to provide service to the development, the developer shall provide a separate trench for the cable television cables, with the entire cost shared among the participating cable operators. With the concurrence of the developer, the affected utilities and the cable television operators, alternative installation procedures, such as the use of deeper trenches, may be utilized, subject to the applicable law.
- (e) Any cable operator wishing to serve an area where the trenches have been closed shall be responsible for separate trenching and associated costs; provided that if the cable operator was not provided timely written notice of the availability of such trenches, the developer shall reimburse the operator for such costs.

#### **ESW1 Storm Water Pollution Control Conditions**

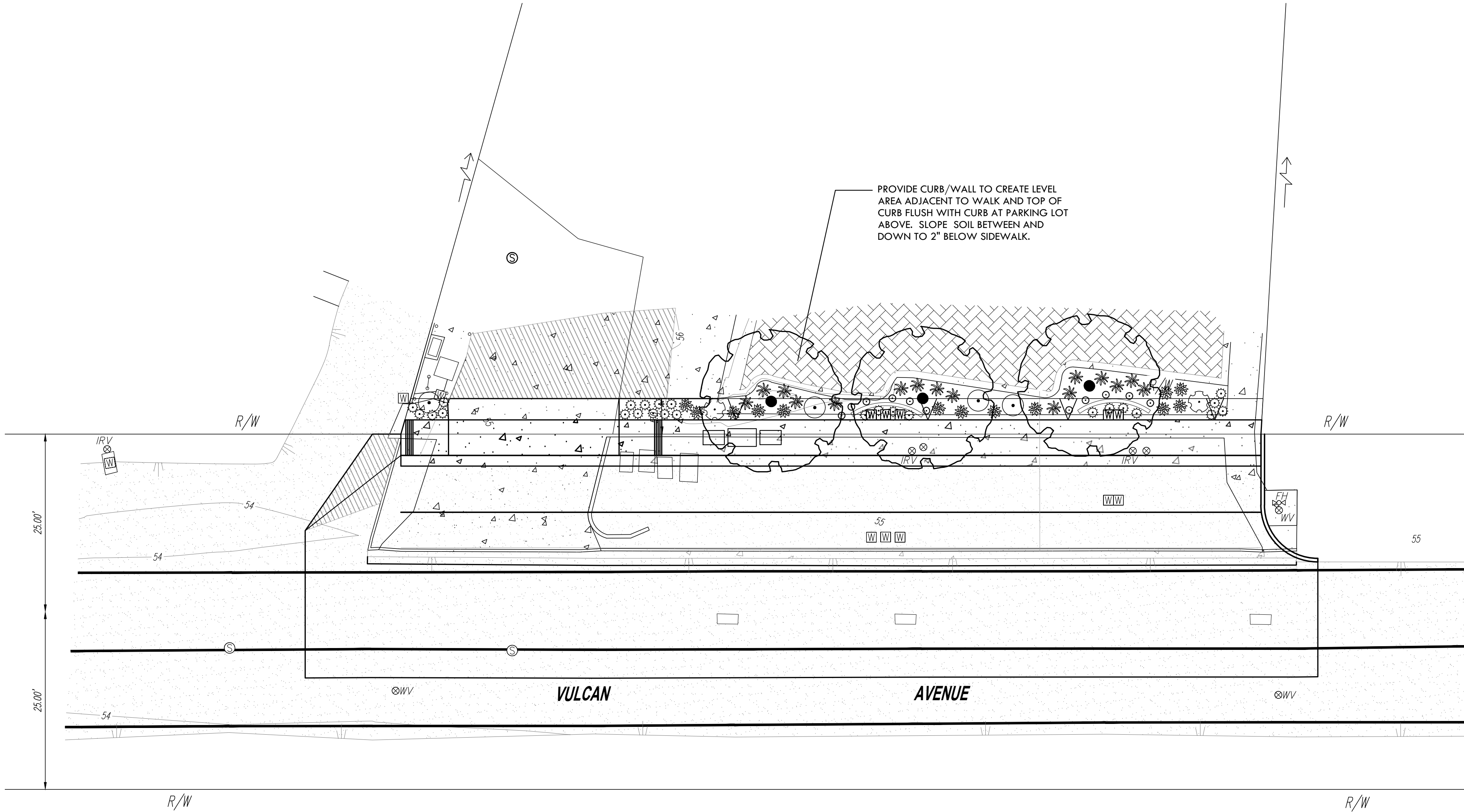
ESW3 Best Management Practice shall be utilized for storm water pollution control to the satisfaction of the City Engineer. The surface run off shall be directed over grass and landscaped areas prior to collection and discharge onto the street and/or into the public storm drain system. If pipes are used for area drainage, inlets shall be located to allow maximum flow distance over grass and non-erodible landscape areas. A grass lined ditch, reinforced with erosion control blanket, or a rip-rap lined drainage ditch shall be used instead of a concrete ditch where feasible. Hardscaped areas and driveways shall be sloped toward grassy and landscaped areas. Driveways with a grass- or gravel-lined swale in the middle can be used if the site topography does not allow for the discharge of driveway runoff over landscaped areas. The **Grading Plan and Permit Site Plan** shall identify all landscape areas designed for storm water pollution control (SWPC). A note shall be placed on the plans indicating that the BMPs are to be privately maintained and the facilities not modified or removed without a permit from the City.

ESW9 For storm water pollution control purposes, all runoff from all roof drains shall discharge onto grass and landscape areas prior to collection and discharge onto the street and/or into the public storm drain system. Grass and landscape areas designated for storm water pollution control shall not be modified without a permit from the City. A note to this effect shall be placed on the **Grading and Permit Site plan**.

EM1 **Map**

EM3 This project is approved specifically as 1 (single) phase.

EM5 Public/private improvement plans and grading plans shall be approved and adequate surety shall be posted prior to a public hearing for approval of the final map.



### PLANTING NOTES

1. VERIFY EXACT LOCATION OF ALL UNDERGROUND UTILITIES PRIOR TO CONSTRUCTION.
2. ALL PLANT MATERIAL TO BE SET UP FOR REVIEW BY LANDSCAPE ARCHITECT OR OWNER PRIOR TO INSTALLATION. NO SUBSTITUTIONS FOR PLANT MATERIAL WILL BE ALLOWED UNLESS PRIOR ARRANGEMENTS HAVE BEEN APPROVED BY LANDSCAPE ARCHITECT. IN THE EVENT OF PLANT MATERIAL UNAVAILABILITY, CONTACT LANDSCAPE ARCHITECT FOR ALTERNATIVE SOURCES OR APPROVED SPECIES SUBSTITUTION.
3. PLANT QUANTITIES ARE FOR CONVENIENCE OF THE CONTRACTOR. CONTRACTOR TO CONFIRM EXACT NUMBER.
4. TREE STAKES ARE TO BE PLACED PERPENDICULAR TO PREVAILING WINDS. REMOVE NURSERY STAKES, REPLACE WITH STAKES PER DETAIL. TREE TIES SHALL BE CINCH-TIE OR EQUAL.
5. ALL TREE, SHRUB AND GROUND COVER PLANTINGS TO HAVE BARK MULCH OR DECOMPOSED GRANITE PLACED AROUND PLANT BASE PER PLANTING DETAILS. SEE CONSTRUCTION PLAN. .
6. REFER TO PLANS, DETAILS AND SPECIFICATIONS FOR ADDITIONAL INFORMATION.
7. PLANT MATERIAL SHALL BE BID ON THE BASIS OF SPECIES AND CONTAINER SIZE, NOT ON CONTAINER SIZE ALONE.

### EXISTING CONDITIONS/PROTECTION

1. THE CONTRACTOR SHALL BE REQUIRED TO PROTECT ALL EXISTING FACILITIES, WHETHER DESCRIBED IN THE CONTRACT OR NOT, THAT ARE TO REMAIN IN PLACE, TEMPORARILY OR PERMANENTLY. WHEN EXISTING FACILITIES ARE DAMAGED AS A RESULT OF THE CONTRACTOR'S OPERATIONS OR NEGLIGENCE, THE CONTRACTOR SHALL BE RESPONSIBLE FOR REPAIR OR REPLACEMENT PER OWNERS DIRECTION.
2. BEFORE WORK BEGINS, THE CONTRACTOR SHALL BE RESPONSIBLE TO INSPECT EXISTING FACILITIES THAT ARE TO BE RE-LAID, RESET, RELOCATED OR RECONSTRUCTED WITH OWNER'S REPRESENTATIVE. REVIEW RECORD DRAWINGS, UTILITY PLANS, MAINTENANCE RECORDS AND BE FAMILIAR WITH EXISTING CONDITIONS. CONTACT OWNER'S REPRESENTATIVE IF YOU HAVE ANY QUESTIONS REGARDING EXISTING CONDITIONS.
3. WORK SHOWN ON PLANS AND DESCRIBED IN CONTRACT DOCUMENTS INCLUDES ABANDONING, ADJUSTING, MODIFYING, OBLITERATING, RECONSTRUCTING, RELAYING, RELOCATING, REMOVING, REPAIRING OR RESETTING EQUIPMENT; MAY OVERLAP WITH AREAS THAT ARE ALSO SHOWN TO BE CLEARED, GRUBBED OR DEMOLISHED.
4. THE CONTRACTOR SHALL BE RESPONSIBLE TO RETAIN AND PROTECT EXISTING TREES WITHIN THE LIMIT OF WORK THAT ARE NOT DESIGNATED FOR ABANDONMENT OR REPLACEMENT THROUGHOUT THE DURATION OF THE PROJECT. SEE TREE PROTECTION NOTES ON IRRIGATION PLAN SHEET L3.0
5. SEE CONTRACT DOCUMENTS, GENERAL CONDITIONS AND SPECIAL PROVISIONS FOR MORE INFORMATION.

### IRRIGATION NOTES

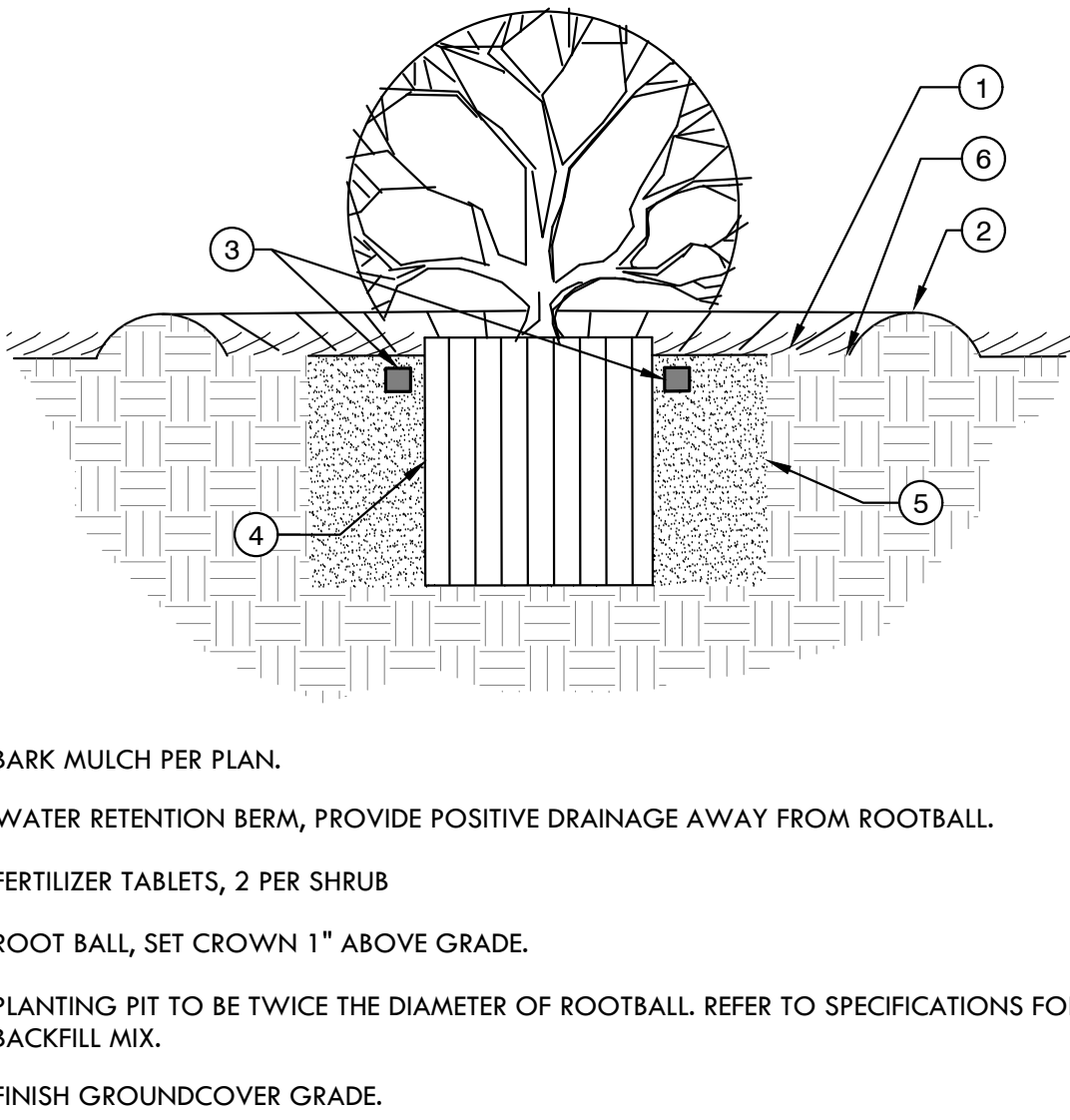
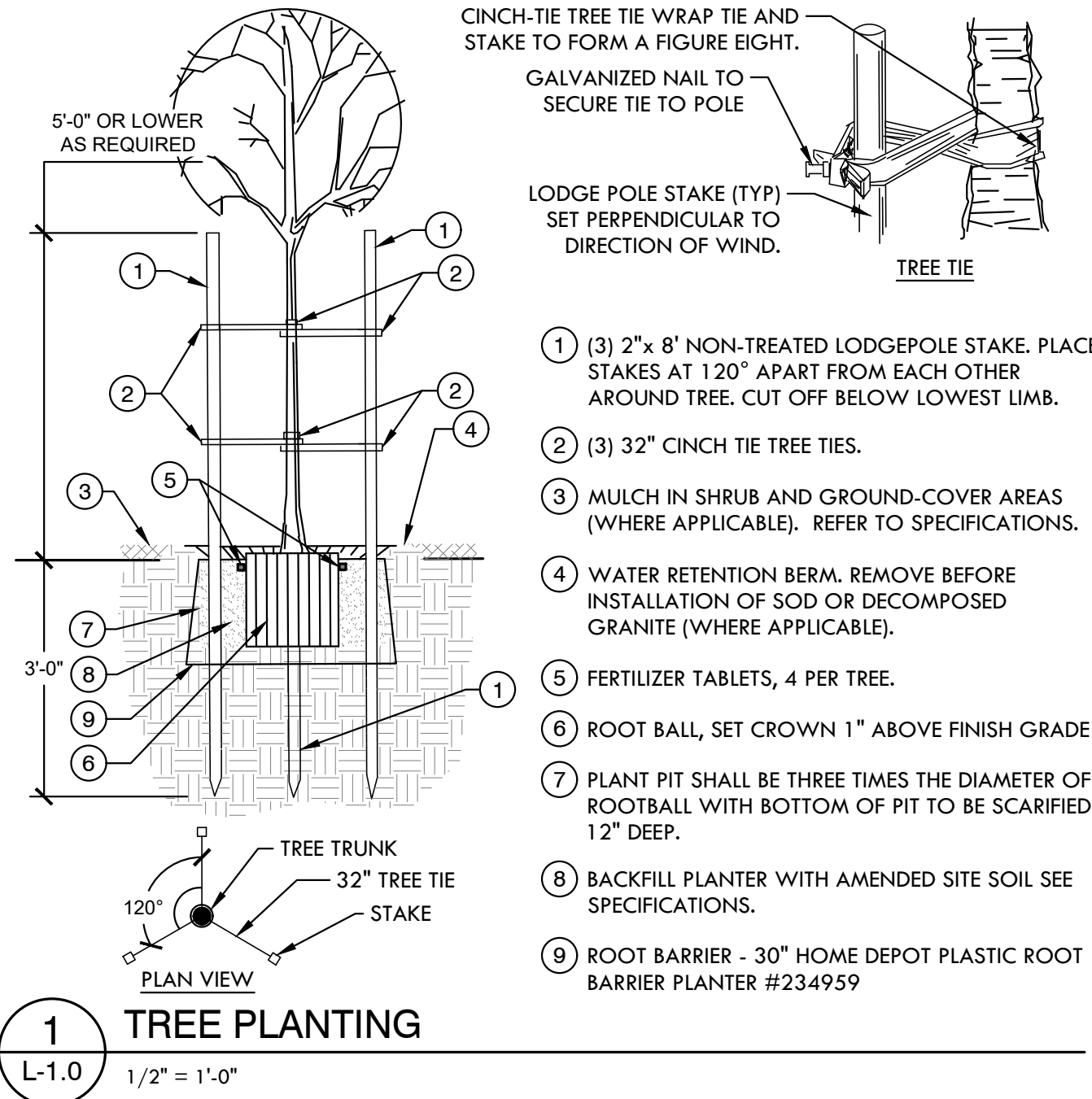
1. CONTRACTOR TO RETROFIT IRRIGATION TO ALL NEW PLANT MATERIAL. PROVIDE A MINIMUM OF TWO 1 GALLON EMITTERS PER SHRUB AND FOUR 1 GALLON EMITTERS PER TREE. (TREES AND SHRUBS SHOULD BE ON SEPARATE VALVES)

### SPECIFICATIONS

1. GENERAL
  - CONTRACTOR SHALL BID AND INSTALL LANDSCAPE PER THESE PLANS AND SPECIFICATIONS, UNLESS GIVEN FURTHER WRITTEN INSTRUCTIONS OR REVISED PLANS PER OWNER OR LANDSCAPE ARCHITECT. WORK INCLUDES BUT IS NOT LIMITED TO ALL LABOR, EQUIPMENT, AND MATERIALS NECESSARY TO COMPLETE SOIL PREPARATION, CONDITIONING, FINISH GRADING, PLANTING, SODDING, PRE-EMERGENT WEED CONTROL, MULCHING, TREE STAKING AND CLEANUP.
2. PLANT MATERIAL
  - ALL PLANT MATERIAL SHALL BE OF THE SPECIES, VARIETY, SIZE AND CONDITION SPECIFIED ON THE PLANS. ALL PLANT MATERIAL SHALL BE HEALTHY, FREE OF DISEASE AND PESTS, AND NOT ROOT BOUND. ALL PLANT MATERIAL SHALL CONFORM TO AMERICAN NURSERY STANDARDS ANSI Z60.1-1990. ALL PLANT MATERIAL SHALL BE SUBJECT TO THE APPROVAL OF THE PROJECT REPRESENTATIVE. IN THE EVENT THAT ANY PLANT MATERIAL IS REJECTED IT SHALL BE REMOVED FROM SITE AND REPLACED WITH SUITABLE PLANT MATERIAL. WHERE PLANTING SPACINGS ARE INDICATED ON THE PLAN THE CONTRACTOR WILL BE REQUIRED TO PROVIDE AS MANY PLANTS ON THE PLAN AS ARE REQUIRED BY THE SPACING INDICATED ON THE PLANS. CONTRACTOR TO VERIFY ALL PLANT QUANTITIES.
3. SOIL PREPARATION /CONDITIONING
  - ALL SOIL IN PLANTING AREAS SHALL BE AMENDED INCORPORATING THE FOLLOWING SOIL CONDITIONERS PER 1,000 SQUARE FEET: 6 CUBIC YARDS 0 TO 1/4 INCH ORGANIC SOIL AMENDMENT AND 15 POUNDS 6-20-20.
4. FINISH GRADING
  - ELIMINATE ALL UNEVEN AREAS AND LOW SPOTS. REMOVE ALL DEBRIS, ROOTS, STONES, SOIL CLOUDS, ETC. REMOVE ANY SOIL CONTAMINATED BY BUILDING CONSTRUCTION DEBRIS SUCH AS PAINT, CONCRETE, STUCCO, ETC. THE FINISH GRADE OF ALL SHRUB AND GROUND COVER AREAS SHALL BE 2-1/2 INCHES BELOW ADJACENT WALKS, CURBS, HARDSCAPE. ALL TURF AREAS SHALL BE 1 INCH BELOW. PROVIDE 2% MINIMUM DRAINAGE AWAY FROM BUILDING.
5. PLANTING
  - PLANT HOLES SHALL BE EXCAVATED TO DIMENSIONS SHOWN ON PLAN. PLACE PLANT IN CENTER OF HOLE AND SLIGHTLY ABOVE FINISH GRADE. BACKFILL PLANT WITH ONE PART 0 TO 1/4 INCH FIR BARK MULCH, THREE PARTS NATIVE SOIL, SINGLE SUPERPHOSPHATE, GROW POWER AND AGRIFORM FERTILIZER TABLETS ALL AS PER MANUFACTURER'S RECOMMENDATIONS. WATER THOROUGHLY TO SETTLE BACKFILL AROUND SOIL BALL. ALL HEDGE/ROW PLANTINGS SHALL BE PLANTED IN A STRAIGHT ROW. GROUND COVERS SHALL BE PLANTED BASED ON TRIANGULAR SPACING UNLESS OTHERWISE SHOWN ON PLAN. STAKE ALL STANDARD TREES AS PER DETAIL WITH 2 INCH DIAMETER POLES.
6. POST PLANTING WEED CONTROL
  - THE CONTRACTOR SHALL APPLY PRE-EMERGENT FERTILIZER TO ALL SHRUB AND GROUND COVER AREAS WITHIN 4 DAYS AFTER COMPLETION OF PLANTING OF GIVEN AREA AND PRIOR TO THE PLACEMENT OF MULCH TOP DRESSING, THE PLANTING AREAS SHALL BE FREE FROM EXISTING WEED GROWTH. APPLY AS PER MANUFACTURER'S RECOMMENDATIONS.
7. TOP DRESSING
  - APPLY A UNIFORM 2 INCH LAYER OF WALK-ON BARK MULCH TO ALL SHRUB AND GROUND COVER AREAS EXCEPT THOSE NOTED ON THE CONSTRUCTION PLAN. ALLOW FOR SETTLING. DYED BARK PRODUCTS WILL NOT BE ALLOWED.
8. CLEAN-UP
  - AFTER ALL PLANTING OPERATIONS HAVE BEEN COMPLETED REMOVE ALL TRASH, EXCESS SOIL AND RUBBISH FROM SITE. THE CONTRACTOR SHALL LEAVE THE SITE BROOM CLEAN AND SHALL WASH DOWN ALL PAVED AREAS LEAVING THE SITE IN A CLEAN CONDITION ACCEPTABLE TO THE OWNER.
9. PLANT GUARANTEE
  - THE CONTRACTOR SHALL GUARANTEE ALL PLANT MATERIAL FOR A PERIOD OF 60 DAYS COMMENCING FROM PROJECT COMPLETION. ALL PLANTS THAT DIE OR ARE IN A DECLINING CONDITION SHALL BE REPLACED AT NO ADDITIONAL COST TO THE OWNER. ALL PLANT REPLACEMENTS SHALL BE MADE WITHIN 15 DAYS OF WRITTEN NOTIFICATION. PROVIDE 60 DAY MAINTENANCE PERIOD AT OPTION OF THE OWNER.

### PLANT SCHEDULE

TREES	CODE	BOTANICAL NAME	COMMON NAME	SIZE	WATER USE	QTY
	AH	ARBUTUS X 'MARINA'	ARBUTUS STANDARD	24" BOX	LOW	3
SHRUBS	CODE	BOTANICAL NAME	COMMON NAME	SIZE	WATER USE	QTY
	CI	CANNA X 'INTIGUE'	INTIGUE CANNA	1 GAL	MEDIUM	4
	CE	CAREX OSHIMENSIS 'EVERILLO' TM	EVERCOLOR EVERILLO JAPANESE SEDGE	1 GAL	MEDIUM	26
	CF	CLIVIA MINIATA 'FLAME' TM	FLAME BUSH LILY	1 GAL	LOW	13
	PX	PHILODENDRON X 'XANADU'	XANADU PHILODENDRON	5 GAL	MEDIUM	2
	SB	SEDUM X 'BLUE PEARL'	BLUE PEARL SEDUM	1 GAL	LOW	11
	SD	STRELITZIA REGINAE 'DWARF'	DWARF BIRD OF PARADISE	5 GAL	LOW	16



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CONSULTANT

CLIENT

SHEA HOMES

PROJECT

1861 VULCAN  
CONDOS

SHEET TITLE

PLANTING  
PLAN

DATES

NO.	DESCRIPTION	DATE
1.	--	--
2.	--	--
3.	--	--
4.	--	--
5.	--	--
6.	--	--
7.	--	--
8.	--	--

PLOT DATE: --

PROJECT NUMBERS

MELTON DESIGN GROUP: XXXX  
CONSULTANT PROJECT #: --

SHEET NUMBER

L1.0

SHEET X OF 1

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